

**THE HON'BLE SRI JUSTICE A.V. SESA SAI**

**WRIT PETITION No.24953 of 2011**

**ORDER:**

This Writ Petition, filed under Article 226 of the Constitution of India, assails the action of the respondents in not paying the dues to the petitioners for the cotton supplied.

Heard, Sri K. Rajanna, learned counsel for the petitioners and learned Government Pleader for Industries and Commerce for respondents.

According to the petitioners, they are the cotton traders, doing business in cotton since 1991 and they supplied cotton raw material to the 3<sup>rd</sup> respondent – Adilabad Cotton Growers' Co-operative Spinning Mills Limited till its closure in 1999, beginning from 1994 by procuring raw materials from the farmers by paying cost of the same to the farmers. The company sold out the 3<sup>rd</sup> respondent cooperative spinning mill to a private party and kept the sale proceedings with the Public Enterprises Department. It is further stated that the Government issued G.O.Rt.No.565, dated 08-09-2004, appointing two men committee and as per the report of the said committee the money payable to the petitioners being Rs.47,44,186/- and Rs.30,17,694/- respectively. It is further stated that, vide Lr.Rc.No.301/2001-Adb, dated 27-11-2008, the 3<sup>rd</sup> respondent asked both the petitioners to give their

consent for receiving 50% of the total dues payable to them and the petitioners submitted their consent for the same by way of letters, dated 06-01-2009.

Subsequently, when the respondents failed to pay the said amounts the petitioners got issued a legal notice on 04-05-2011 and despite the same as the respondents did not respond, the present Writ Petition came to be filed on 05-09-2011.

This Court, on 20-09-2011, directed the respondents to take a decision for payment of 50% of the demands pursuant to the consent letters by the petitioners.

It is further clear from the information available before this Court that vide G.O.Rt.No.565, dated 08-09-2004 the State Government sanctioned amounts payable to the petitioners.

At the hearing, it is contended by learned counsel for the petitioners that the action of the respondents in paying only 50% of the amount payable is highly discriminatory as the respondents paid the full amounts to certain individuals.

The said contention in the teeth of undertakings, dated 06-01-2009 given by the petitioners cannot be sustained. A perusal of the undertakings/acceptance letters, dated 06-01-2009 clearly shows that the petitioners herein agreed for receipt of amounts indicated therein.

There is absolutely no dispute with regard to the fact that the amounts indicated in the undertakings, dated 06-01-2009 have already been paid to the petitioners. Therefore, the request of the learned counsel for the petitioners cannot be considered for payment of full amount in view of the said undertaking letters given by the petitioners herein.

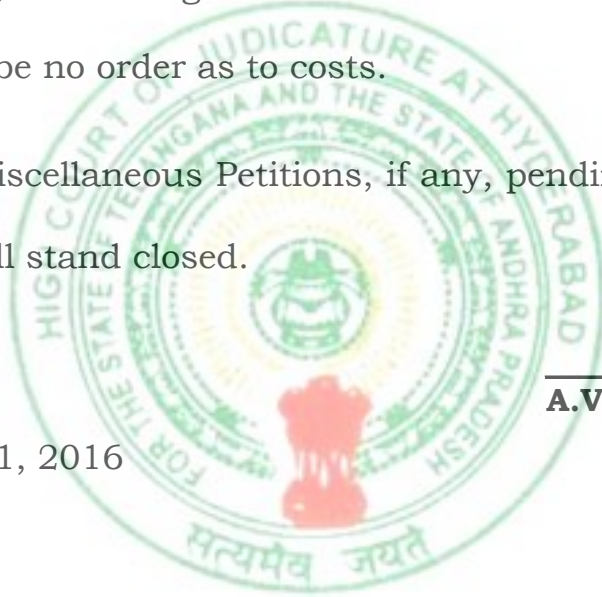
For the aforesaid reasons, the Writ Petition stands disposed of, in the light of the observations made supra. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

November 01, 2016

*Pn*

**A.V. SESA SAI, J**



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