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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (C) No. 518 of 2017**

- M/s Ravi Trading Company & Chura Udyog Bhitauli Bazar, Janapad - Maharajganj (Uttar Pradesh) Through Its Proprietor Ghanshyam Jaiswal Age About 48 Years, S/o Shri Shankar Jaiswal, R/o Ramkola, Ward No. 12, P. S. Ramkola, District Kushinagar, Uttar Pradesh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through : Its Secretary, Department Of Cooperative, Mantralaya Mahanadi Bhawan, Naya Raipur, District Raipur (Chhattisgarh).
2. Maa Mahamaya Cooperative Sugar Factory, Ambikapur, Village Kerata, Block & Tehsil Pratappur, District Surajpur (Chhattisgarh).
3. M/s Ambay Balaji & Company, 31/42 Ka, First Floor, Love Lane Market, Opp. D R M Office, Hazratganj, Lucknow, Uttar Pradesh.

--- Respondents

For Petitioner	:	Mr. Anshuman Shrivastava, Advocate
For State	:	Mr. B. Gopa Kumar, Dy. Advocate General
For Respondent No.2	:	Mr. Vinay Pandey, Advocate

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order on Board**Per Thottathil B. Radhakrishnan, Chief Justice****30.03.2017**

1. Though notices were issued to the Respondents, yet Respondent No.3 has not appeared.
2. Having regard to submissions made by the learned Counsel for the Petitioner, learned Counsel for Respondent No.2 and also the learned Deputy Advocate General for the State, we are of the view that the Writ Petition can be disposed off without awaiting return of notice of the third

Respondent.

3. The matter relates to sale up of "Bagasse" which is waste of Sugarcane. In the initial round of bid the Petitioner bid for Rs. 370/- per ton. In the second round the Petitioner bid for Rs. 416/- per ton as against the third Respondent bid for Rs. 414/- per ton. Challenge is against the refusal to accept the bid of the Petitioner. The plea is that the lower bid offered by the third Respondent was accepted.
4. When the matter is taken up today learned Counsel for Respondent No.2 submits that it is in the interest of the second Respondent to dispose off the large amount of Bagasse and the said Respondent is prepared to give such portion which Petitioner may lift, at Rs. 435/- per ton. The Petitioner, through its learned Counsel, accedes to this suggested position. Under such circumstances we record the said situation, that is to say, that the Second Respondent will permit and the Petitioner to lift Bagasse from the premises of the Second Respondent at the rate of Rs. 435/- per ton to the extent of the quantity equivalent to that covered by the instant contract. This is recorded as an undertaking between the parties and also as an undertaking to this Court.
5. The Writ Petition is ordered accordingly without stating anything on merits of the case.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge