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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.178 OF 2016

Shankar Sahakari Sakhar Karkhana Ltd.	... Petitioner
vs.	
Commissioner (Sugar) Maharashtra State, Pune & Ors.	...Respondents

Mr. Surel S. Shah for the petitioner.
Ms. Aparna Vhatkar, AGP, for the respondent/State.

**CORAM : A.S.OKA, &
A. K. MENON, JJ.
DATE : 3RD APRIL, 2017**

PC.

. Perused the order dated 4th February, 2016. By the said order, undertaking of Shri Panditrao Keshavrao Pawar, the Managing Director of the petitioner, tendered on record and marked "X1" for identification was accepted as undertaking by the petitioner. Clauses 1, 2 and 3 of the said undertaking read thus:-

"1. I undertake to this Court on behalf of myself and the petitioner herein that petitioner will pay the balance FRP as per Notice dated 22.12.2015 (Exhibit to the petition) to sugarcane suppliers on or before 31.3.2016.

2. In the event of default the petitioner undertakes that it will voluntarily close down all its crushing operations without any intervention on part of state machinery.

3. *The petitioner also accepts that in event of default of payment of FRP before 31.3.2016, the crushing license granted to the petitioner sugar factory will forthwith stand cancelled and shall not be granted/renewed till the balance FRP as per notice dated 22.12.2015 (Exhibit to the petition) is paid to the sugarcane growers.”*

2. Admittedly, the petitioner has not complied with the undertaking. On instructions, the learned counsel appearing for the petitioner states that a sum of Rs.3.13 crores which was payable in terms of the undertaking is not paid till today. The learned counsel appearing for the petitioner states that now administrator is appointed on the petitioner's sugar factory by order dated 7th December, 2016.

3. In view of admitted breach of undertaking committed by the petitioner, this petition under Article 226 of the Constitution of India cannot be entertained at the instance of the petitioner. Accordingly, we dispose of the petition by passing the following order:-

(i) Writ petition is rejected.

(ii) In view of clauses 2 and 3 of the petitioner's undertaking, the petitioner hereafter will not be entitled to the crushing license and that the petitioner is disentitled to carry out the crushing operations.

(A. K. MENON, J.)

(A. S. OKA, J.)