

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.48 OF 2017
IN
PUBLIC INT. LITIGATION NO.20 OF 2006

Agasti Sahakari Sakhar Karkhana Ltd. .. Applicant

IN THE MATTER OF:

Ashok N. Kulkarni .. Petitioner

-Versus-

Government Pleader, High Court, & Ors. .. Respondents

Mr. Sugandh B. Deshmukh for applicant in CAI No.48 of 2017

Mr. S.L.Babar, AGP for respondent State.

CORAM : V.M.KANADE &
C.V.BHADANG, JJ.

DATE : 27th April 2017.

P.C.

1] This civil application is filed by the applicant impugning the letter issued by the Commissioner of Sugar dated 13th April 2017.

2] While issuing the said letter, the Commissioner of Sugar has relied upon an order passed by this Court on 14th March 2011. By

the said order, this Court had observed that in the case of expansion/ modernisation/ alteration/ addition of sugar factories, permission and leave of this Court should be obtained.

3] Learned Counsel for the applicant submitted that the order passed by this Court dated 11th April 2017 modify the earlier orders dated 10th August 2012 and 14th March 2011 and the same were not considered by the Commissioner of Sugar.

4] In a group of petitions, this Court was pleased to pass an order on 11th April 2017 directing the competent authority to consider and entertain applications for expansion/ modernisation/ alterations/ additions. This Court also further observed that the Commissioner of Sugar has to examine each of the applications on merits and in accordance with law and it is no longer necessary to seek leave of this Court for that purpose. It was further clarified that while examining applications which were received, the Commissioner shall keep in mind the parameters which are laid down in various orders passed by this Court from time to time.

5] We find that while passing the impugned order dated 13th April 2017, the Commissioner of Sugar has not taken into consideration our order dated 11th April 2017. The impugned letter is, therefore, quashed and set aside. We direct the Commissioner of Sugar to reconsider the application of the petitioner on merits and in accordance with law and keeping in mind the parameters which are laid down in various orders passed by this Court from time to time. Civil Application is disposed of accordingly.

(C.V.BHADANG, J)

(V.M.KANADE, J.)