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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION No. 139 OF 2016
IN
PUBLIC INTEREST LITIGATION No. 20 OF 2006

Malegaon Sahakari Sakhar
Karkhana Ltd. ... Applicants
Vs.
Shri Ashok N. Kulkarni ... Respondents

WITH
CIVIL APPLICATION No. 145 OF 2016
IN
CIVIL APPLICATION No. 139 OF 2016

Shivaji Nanasaheb Jagtap & Ors. ... Applicants
Vs.
Malegaon Sahakari Sakhar
Karkhana Ltd. ... Respondents

WITH
CIVIL APPLICATION No. 12 OF 2017
IN
CIVIL APPLICATION No. 139 OF 2016

Madanrao Tanajirao Deokate ... Applicant
Vs.
Malegaon Sahakari Sakhar
Karkhana Ltd. ... Respondents

WITH
CIVIL APPLICATION No. 247 OF 2013
IN
PUBLIC INTEREST LITIGATION No. 20 OF 2006

Dr. Babasaheb Ambedkar Sahakari
Sakhar Karkhana Ltd. ... Applicants

Vs.
Shri Ashok Kulkarni ... Respondent

WITH
CIVIL APPLICATION No. 25 OF 2016
IN
PUBLIC INTEREST LITIGATION No. 20 OF 2006

The Sanjivani Takli Sahakari
Sakhar Karkhana Ltd. ... Applicants

Vs.
Ashok N. Kulkarni ... Respondent

WITH
CIVIL APPLICATION No. 99 OF 2016
IN
PUBLIC INTEREST LITIGATION No. 20 OF 2006

Shri Ambai Magaswargiya Shetimal
Prakriya Sahakari Sanstha ... Applicants

Vs.
Ashok N. Kulkarni ... Respondent

WITH
CIVIL APPLICATION No. 128 OF 2016
IN
PUBLIC INTEREST LITIGATION No. 20 OF 2006

Kadwa Sahakari Sakhar
Karkhana Ltd. ... Applicants

Vs.
Shri Ashok N. Kulkarni ... Respondent

WITH
CIVIL APPLICATION No. 134 OF 2016
IN
PUBLIC INTEREST LITIGATION No. 20 OF 2006

The Sanjivani (Takli) Sahakari
Sakhar Karkhana Ltd. ... Applicants

Vs.

Ashok No. Kulkarni ... Respondent

WITH
CIVIL APPLICATION No. 138 OF 2016
IN
PUBLIC INTEREST LITIGATION No. 20 OF 2006

Sahyadri Sahakari Sakhar
Karkhana Ltd. ... Applicants

Vs.
Ashok N. Kulkarni & Ors. ... Respondents

WITH
CIVIL APPLICATION No. 4 OF 2017
IN
PUBLIC INTEREST LITIGATION No. 20 OF 2006

Padmabhushan Krantiveer Dr. Nagnath
Anna Naykawadi Hutatma Kisan
Ahir ... Applicants

Vs.
The Commissioner of Sugar & Ors. ... Respondents

WITH
CIVIL APPLICATION No. 22 OF 2017
IN
PUBLIC INTEREST LITIGATION No. 20 OF 2006

Shri Dudhganga Vedganga Sahakari
Sakhar Karkhana Ltd. ... Applicants

Vs.
Ashok N. Kulkarni ... Respondent

Mr. A. V. Anturkar, Sr. Counsel a/w Manisha Jagtap, Akshay Kapadia
i/b J. Shekhar & Co., for the Applicants in CAI. 139/2016.

Mr. A. Y. Sakhare, Sr. Counsel i/b R. S. Mirpary, for the Applicants in
CAI No. 145/2016.

Mr. A. Y. Sakhare, Sr. Counsel a/w Joel Carlos, for the Applicants in

CAI. 99/2016.

Mr. Pramod Patil a/w Ajit Hon & Govind Salunke, for the Applicants in CAI Nos. 25/2016 and 134/2016.

Mr. Sanjiv Kadam, for the Applicants in CAI No. 4/2017.

Mr. Ashish Gaikwad, for the Applicants in CAI No. 128/2016.

Mr. Abhijit Kulkarni i/b Sarang Aradhye, for the Applicants in CAI. 139/2016 and in CAI No. 247/2013.

Mr. Vishal Thadani, AGP for the Respondent – State.

Ms. Neeta Masurkar, for the Respondent No. 4.

Mr. Shailendra S. Kanetkar, for the Applicants in CAI. 12/2017.

Mr. S. S. Patwardhan, for the Applicants in CAI. 138/2016 and 22/2017.

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

DATE : APRIL 11, 2017

PC.

1. By an order dated 14th March, 2011 this Court was pleased to direct the Commissioner of Sugar, Maharashtra not to give permission to any sugar factory for expansion / modernisation / alteration / addition programme without leave of this Court. The record indicates that the said order was continued till the next date.

2. It is submitted that in spite of that, the Commissioner of Sugar is insisting that in cases of expansion / modernisation / alteration, etc. the Applicants should seek leave of the Court first.

This Court had earlier given a direction by order dated 12th July, 2006 that the State Government shall not issue any fresh permission for new sugar factory in the State of Maharashtra.

3. Thereafter again further order was passed and by order dated 10th August, 2012 this Court had clarified that the earlier order dated 14th March, 2011 was not applicable for setting up or expanding a bio gas co-generation plant by the sugar factory.

4. We are of the view that it will not be possible for this Court to entertain the application for expansion / modernisation / alteration / addition programme. It is therefore, clarified that the Commissioner of Sugar shall examine each application to its aforesaid extent on merits and in accordance with law and it is no longer necessary to seek leave of this Court for that purpose. In view of this, all civil applications are disposed of. It is clarified that while examining the applications which are received, the Commissioner of Sugar shall keep in mind the parameters, which are laid down in various orders passed by this Court from time to time.

Sd/-
[C. V. BHADANG, J.]

Sd/-
[V. M. KANADE, J.]