

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

WRIT PETITION NO.9635 OF 2018

Green Power Sugards Ltd. Through
Shri Hanmantrao Shamrao Jadhav
Chief Finance Officer

.. Petitioner

V/s.

State of Maharashtra and Anr.

.. Respondents

Mr.Anilkumar D. Sale for the Petitioner
Ms.Sushma Bhende, A.G.P. for the Respondent

**CORAM: K.K. TATED &
SANDEEP K. SHINDE, JJ.**

DATED : SEPTEMBER 04, 2018

P.C. :

1 Heard the learned counsel for the parties.

2 By this petition under Article 226 of the Constitution of India the Petitioner challenges the show cause notice dated 10.08.2018 issued by the Commissioner of Sugar, Maharashtra State, Pune calling upon the Petitioner to pay sum of Rs.4,65,00,000/- towards FRP payable to the agriculturist towards the sugar cane within 15 days.

3 The learned counsel for the Petitioner after taking instruction from his client makes a statement that after 10.08.2018, they already paid Rs.55,00,000/- to the sugar cane suppliers and intimated to the Commissioner of Sugar, Maharashtra State, Pune. His statement is

accepted.

4 The learned counsel for the petitioner submits that Petitioners are ready and willing to pay remaining sum of Rs.4,10,00,000/- to the sugar cane suppliers on or before 30.09.2018 and submit their report to the Commissioner of Sugar, Maharashtra State, Pune within 15 days thereafter. To that effect, he has filed affidavit cum undertaking duly affirmed by Hanmantrao Shamrao Jadhav working with the Petitioner as Chief Finance Officer dated 04.09.2018. Along with the said affidavit he also placed on record copy of resolution passed in the meeting of the Board of Directors of the Company held on 25.08.2018. To that effect. Undertaking given by the Petitioner is taken on record and accepted.

5 In view of the affidavit cum undertaking given by the Petitioner, Respondent are directed not to take any coercive action against the Petitioner pursuant to the notice dated 10.08.2018 Exhibit-A page 18 of Writ Petition issued under section 3(3) of the Sugar (Control) Order, 1966. It is made clear that if there is a default on the part of Petitioner to comply their undertaking, Respondents are free to take action against them according to law including recovery of interest and penalty to that effect, if any.

6 Writ Petition stands disposed of with these directions.

7 No order as to costs.

(SANDEEP K. SHINDE, J.)

(K.K. TATED, J.)