

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.27579 OF 2005

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the procurement price for levy rice payable to the rice millers/dealers for delivery of levy rice during the Kharif season 2005-2006 as communicated by the 1st respondent to the 2nd respondent *vide* communication dated 31.10.2005 as arbitrary, illegal and consequently to direct the respondents to pay the price for levy rice being supplied pursuant to the control orders issued under Section 3 (f) of Essential Commodities Act, 1955 (for short 'the Act'), by re-fixing the price by taking into consideration the cost of paddy, gunnies, diesel and taxes.

Heard Sri P.Balaji Varma, learned counsel appearing for the petitioner and Sri K.Lakshman, learned Assistant Solicitor General.

It is the case of the petitioner that while fixing the procurement price for levy rice for the year 2005-2006, the respondents have not fixed the price by duly taking into account the cost of gunnies, diesel and cost of working capital and taxes and there is no rationale in fixing the price. Challenging the fixation of procurement price on paddy for the year 2005-2006, the present writ petition is filed.

While admitting the writ petition on 27.12.2005, this Court granted interim direction to the effect that any payment of levy price to the petitioners will be subject to result of the writ petition.

The grievance of the petitioners is that the respondents while fixing the procurement price for levy rice, have not taken into consideration the actual cost and other factors such as cost of gunny, diesel and taxes and consequently the petitioners have suffered losses.

When the matter is taken up for hearing, learned Assistant Solicitor General submits that the respondents have taken into consideration all the factors while fixing the procurement price. He further submits that if the petitioners submit any representation, the same will be considered.

Having considered the rival submissions made by the learned counsel on either side, without expressing any opinion on the merits of the case, this Writ Petition can be disposed of directing the respondents to treat the affidavit in the writ petition as a representation and pass appropriate orders.

Accordingly, the Writ Petition is disposed of directing the respondents to treat the affidavit in this writ petition as a representation of the petitioners and pass appropriate orders duly taking into consideration the various issues raised herein

i.e., cost of paddy, gunnies, diesel and taxes, for fixing procurement price for the year 2005-2006, within a period of eight weeks from the date of receipt of a copy of this order.

No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

26th April, 2018
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