

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 10696 OF 2019

M/s NSL Sugars Ltd. Through
Authorized Signatory .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Aditya N. Sikchi, Advocate for the Petitioner.
Shri S. B. Yawalkar, Addl.G.P. for Respondent Nos. 1 to 4.
Shri Shrikant G. Kawade, Advocate for the Caveator.

**CORAM : S. V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 18TH SEPTEMBER, 2019.

FINAL ORDER :

. Order dated 23.08.2019 is passed directing attachment of the property of the petitioner on account of non payment of Fair and Remunerative Price (FRP) to the agriculturists.

2. The learned counsel for the petitioner and the learned Additional Government Pleader for respondent Nos. 1 to 4 submit that, the impugned order is passed on account of non payment of FRP as per the revenue recovery certificate (RRC) dated 30.01.2019.

3. The learned counsel for the petitioner submits that, the petitioner has deposited entire amount under the R.R.C. amounting to Rs. 45,53,87,000/-. The learned Addl. G. P. submits that, the petitioner has not deposited the interest amount as per the R.R.C.

4. According to the petitioner, the amount of interest is disputed. The petitioner has paid some amount earlier also. That amount will have to be deducted as on the date the payment has been made and the said amount and interest has to be calculated accordingly.

5. Considering the above, we pass following order.

6. The impugned orders directing attachment of the property pursuant to the RRC dated 30.01.2019 are quashed and set aside. The petitioner shall file an application with the respondent No. 2/Commissioner of Sugar substantiating its stand on interest within 15 days. The Commissioner shall decide the application of the petitioner and pass order about liability of the petitioner to pay of interest in view of the RRC dated 30.01.2019. The petitioner may put forth its case about payment of interest which would be considered by the Commissioner on its own merits.

7. This order is restricted to the extent of RRC dated 30.01.2019. The petitioner shall also give all the calculations and information about the payment made. The application shall be decided within a period of three (03) months.

8. In view of the above, the writ petition is disposed of. No costs.

[ANIL S. KILOR, J.]

[S. V. GANGAPURWALA, J.]

bsb / Sept. 19