

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3579 OF 2019

Solapur District Co-op. Bank Ltd.

Through Shri.Vyanktesh ... **Petitioner**

V/s.

The State of Maharashtra

Through Department of

Co-operation ... **Respondents**

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Mr.Umesh R. Mankapure, Advocate for the Petitioner.

Mrs.S.S.Bhende, AGP for the Respondent/State.

Mr.Dhananjay K. Chavan, Advocate for the Respondent No.5.

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**CORAM : INDRAJIT MAHANTY &
A.M.BADAR JJ.**

DATED : 24th APRIL 2019.

P.C. :

1 Heard the learned Counsel for the respective parties.

2 Perused the affidavit filed by the Tahsildar Mhada, District Solapur. It appears that the Tahsildar sold the 50,000 quintals sugar belong to the respondent No.5 sugar factory and collected the total sum of Rs.16,29,21,750/-. From the said amount, an amount of Rs.13,98,08,103/- has been released to

farmers towards FRP leaving the balance of Rs.2,31,13,458.55 Ps. This amount is lying in balance with petitioner/Solapur District Central Co-operative Bank. In terms of the affidavit, submitted by the Tahsildar, it appears that the entire dues of farmers have been collected and shall be disbursed by the Tahsildar and consequently the learned Counsel for the Respondent no.5 factory submits that in terms of the earlier direction of this court dated 24th August 2017 since the petitioner bank was entitled to Rs.200/- for every quintile of sugar sold by the respondent No.5 factory, the bank would be entitled to Rs.2,14,29,600/-. Although the learned Counsel for the petitioner bank submits that the bank is also entitled to delayed interest. Keeping in mind the terms and conditions of the settlement, we direct that the bank may retain the aforesaid amount of Rs.2,14,29,600/- and the balance amount of Rs.16,84,087/- may be transferred to the respondent No.5 factory.

3 It is further submitted that in so far as the balance stock of 25000 quintile sugar is concerned, the learned Counsel representing respondent No.5 factory submits that it shall effect the sale of said sugar and act in accordance with the directions issued by the Honourable High Court.

4 Taking into account the aforesaid negotiations and settlement, nothing remains for further consideration in the

present writ Petition and consequently, the writ petition stands disposed of.

(A.M.BADAR, J.)

(INDRAJIT MAHANTY, J.)