

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

WRIT PETITION NO. 14054 OF 2017

Loknete Baburao Patil Agro Industries
Ltd.

... **Petitioner**

V/s.

State of Maharashtra

... **Respondent**

Mr. M.V. Thorat for the Petitioner.

Mr. B.V. Samant, AGP for the Respondent.

**CORAM : B.P.DHARMADHIKARI, &
REVATI MOHITE DERE, JJ.**

DATE : 21th JANUARY, 2019

P.C.:

1. On 27.09.2018 this Court has passed following order:

“ The learned AGP seeks time to file reply. Hence, at his request, adjourned for 19/10/2018.

The reply-affidavit to be filed by at least 2 days prior to the next date. The said affidavit would be necessary in view of the fact that the Petitioner has not been given the benefit of the soft loan policy which is applicable to the sugar factories though the Petitioner's name appears in the GR dated 05.09.2015”.

2. Today submission of Advocate Thorat is as interest subsidy of roughly Rs.6.9 Crores for past three years has not been released, Petitioner is finding it difficult to pay FRP to farmers. He points out that out of 22 eligible sugar mills, the subsidy has been provided to

17 sugar mills and without any apparent reason, Petitioner has been discriminated.

3. Learned APP is seeking time as instructions are still awaited. Papers on record show that name of Petitioner appears in list of eligible mills and therefore, soft loan has been provided to him. With the result, the State Government was under obligations to comply with the terms and conditions thereof. This compliance has been done in case of other sugar mills. Learned Counsel submits that as Petitioner is not Co-operative Sugar Mills, discrimination appears to have been done. As Petitioner is found eligible for soft loan, the nature of Petitioner, or its personality is not relevant.

4. In this situation, in absence of reply, we direct Respondent State to take decision on demand of Petitioner for reimbursement within three weeks after communication of this order to it.

5. We, direct the Petitioner to communicate this order to Respondents with representation and period of three weeks shall commence from that date.

6. With these directions and keeping all questions open, we dispose of this Writ Petition.

(REVATI MOHITE DERE, J.)

(B.P.DHARMADHIKARI, J.)