

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP-12520-2019 (O&M)
Date of Decision: 13.05.2019

Vinod Kumar & others

--Petitioners

Versus

State of Haryana & others

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Anurag Goyal, Advocate for the petitioners.

TEJINDER SINGH DHINDSA.J (Oral)

Petitioners herein are stated to be cane growers and their area has been assigned to the Naraingarh Sugar Mills Ltd., Tehsil Naraingarh, District Ambala/respondent no.5. It is submitted that cane was supplied to respondent no.5 mill during the crushing season 2017-18 but corresponding payments were not released. Under such circumstances the cane growers including some of the petitioners herein were constrained to approach this Court by way of filing of CWP-15181-2018. The afore-noticed writ petition came to be disposed of on 28.11.2018 in the following terms:-

“CWP-15181-2018

Mr. Ghai has put in appearance on behalf of respondent No.5 and submits that in compliance of order dated October 25, 2018, passed by this court, Managing Director of respondent No.5 is present in court. He further submits that he has received instructions from him that an amount of Rs.2,71,97,504/- shall be paid to the petitioners positively before 31.12.2018 alongwith interest. He referred to Para 08 of the reply, which reads as under:-

“08. That the answering respondents undertakes to make the payments due to the cane growers/petitioners upto 31.12.2018 after arranging the amount from its own sources. It is pertinent to mention that some of the petitioners who have already received the amounts from the answering respondents against the cane supplied by them and have claimed the said

amount through the present petition, they are not entitled for the said amount, the other petitioners who have also received some amounts as part payments from the amount claimed in the petition, they would be paid their balance outstanding amounts subject to the settlement of their accounts”.

In view of the above, no further direction is necessary. Petition is hereby disposed of. Petitioners shall, however, be at liberty to seek revival of the petition in case any cause of action survives.”

The instant writ petition has been filed seeking release of interest on the delayed payment of the principal amount in lieu of cane supplied for the crushing season 2017-18.

Learned counsel representing the petitioners would advert to Section 15 A of the Punjab Sugarcane (Regulation of Purchase and Supply) Act, 1953 and as amended by the Haryana Amendment Act No.14 of 1978 and as per which the occupier of a factory/sugar mill is mandated to make arrangements for payment of price of cane as may be prescribed and in a situation where the sugar mill in question makes payment exceeding 14 days from the date of supply of the cane, a liability arises to pay interest thereupon at a rate not exceeding 15% per annum. It is further contended that the State of Haryana has promulgated the Haryana Sugarcane (Regulation of Purchase and Supply) Rules, 1992 to carry out the provisions of the 1953 Act. Under Rule 18 it is the Cane Commissioner who is the competent authority to specify not only the amount of arrears on account of price of cane but also the interest and thereafter the Collector is required to recover the same as arrears of land revenue from the factory/sugar mill.

Counsel submits that a representation dated 14.3.2019 (Annexure P-3) already stands submitted to the Cane Commissioner, Panchkula/respondent no.3 as also to the D.C., Ambala/respondent no.4 but

till date no response has been forthcoming.

Notice of motion.

On the asking of the Court, Mr. Kiran Pal Singh, learned A.A.G., Haryana accepts notice on behalf of respondents no.1 to 4 and waives service. A complete copy of the writ paper book already stands furnished to learned State counsel.

Statement of learned State counsel is recorded to the effect that respondent no.3 would examine the representation dated 14.3.2019 (Annexure P-3) and would take a decision thereupon as per mandate of Haryana Sugarcane (Regulations of Purchase and Supply) Rules, 1992 expeditiously and in any case within a period of eight weeks from today.

In the light of such statement recorded of learned State counsel, no further directions are required to be passed.

Writ petition is disposed of accordingly.

(TEJINDER SINGH DHINDSA)
JUDGE

13.05.2019

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No