

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9511 of 2020

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M/s Vishnu Sugar Mills Ltd., Having registered office at C-3/3, Gillander House, 8, Netaje Subhash Road, Kolkata- 700001 and local office at Vishnu Sugar Mills, Gopalganj through its General Manager, Sri Sasidhar Panicker, aged about 75 years (Male), son of Late Raghav Panicker, resident of Village- Vishnu Sugar Mills, Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Prohibition and Excise, Government of Bihar, Patna.
2. The Principal Secretary, Department of Prohibition and Excise, Government of Bihar, Patna.
3. The Excise Commissioner-cum- Controller of Molasses Government of Bihar, Patna.
4. The Deputy Commissioner Prohibition Excise, Government of Bihar, Patna.
5. The Excise Superintendent Gopalganj.
6. The Excise Inspector Gopalganj Incharge Vishnu Sugar Mills.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V.Giri, Sr. Advocate Mr.Ashish Giri, Advocate. Mr. Pranav Kumar, Advocate Ms. Shrishti Singh, Advocate
For the Respondent/s	:	Mr. Pawan Kumar, AC to AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-12-2020

Petitioner has prayed for the following relief(s):-

“i. To issue a writ/order/direction/ in the
nature of mandamus directing/commanding the



respondent state government not to fix the price of molasses and allow it to be determined by the market at least the way it has been done in the State of Uttar Pradesh with similar law wherein about 80% molasses have been made free from price fixation.

ii. Alternatively, to issue a writ/order/direction in the nature of mandamus directing/commanding the respondent state government to re-fix the price of molasses for the current season 2020-21 onwards for the purposes of its allotment taking into care the current market price and demand and supply or alternatively fixed the price which is equal to the price fixed in the nearby state that is Uttar Pradesh for sale of free molasses to Distillery which is Rs. 550/- per quintal.

iii. To hold and direct that no order of allotment of molasses for the sugar season 2020-21 onwards be issued by the respondent department unless the rate of molasses is revised by the State Government and if already issued the same may kindly be stayed.

iv. To hold and declare that the Allotment Order bearing No. 3965 dated 04.12.2020 under the direction of the Excise Commissioner-cum-Controller of Molasses signed by the Deputy Commissioner, Excise Prohibition by which 25, 000 Quintal of molasses produced by the petitioner mill for the sugar season 2020-21 has been directed to be supplied to the Majholia Sugar Mill within 15 days is ultravires Article



14 and 19(1)(g) of the Constitution of India and accordingly the same need not be given affect till the rate of molasses is revised accordingly.

v. To pass appropriate interim/ex-parte interim order during the pendency of the present writ application keeping in abeyance the allotment order No. 3965 dated 04.12.2020 and/or directing the respondent authorities not to issue any further allotment order of molasses on basis of earlier/old notified rate.

vi. To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.”

Learned counsel for the State opposes the petition stating that the petition is misconceived; raises disputed question of fact and that the issue can be best resolved at the Government level by the appropriate authorities.

After the matter was heard for some time, learned counsel for the petitioner submits that petitioner shall be content if a direction is issued to the concerned respondent to consider and decide the representation, Annexure-4 of the writ petition, already filed.

Learned counsel for the respondents states that the authority concerned shall consider and dispose of Annexure-4 expeditiously and preferably within a period of four weeks, if petitioner appears before the concerned authority on 05.01.2021



along with a copy of this order.

Equally, liberty is reserved to the petitioner to take recourse to such alternative remedies as are otherwise available in accordance with law.

We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch.

Needless to add, while considering such representation, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

Liberty reserved to the petitioner to approach the Court, if the need so arises subsequently on the same and subsequent cause of action.

We have not expressed any opinion on merits. All issues are left open.

The proceedings, during the time of current Pandemic- Covid-19 shall be conducted through digital mode, unless the parties otherwise mutually agree to meet in person i.e. physical mode.

The petition stands disposed of in the aforesaid terms.



Interlocutory Application(s), if any, also stands
disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

sujit/-

AFR/NAFR	
CAV DATE	
Uploading Date	18.12.2020
Transmission Date	

