

Ct. 14.12
No. 26
5
akb

2020

W.P.A. 9696 of 2020

With

IA No. CAN 1 of 2020

The Jute Balers Association

-Versus-

Union of India & Ors.

Mr. Partha Sarathi Sengupta

Mr. Shyamal Sarkar

Mr. Mainak Bose

Mr. Kumar Gupta

Mr. Binay Kumar Jain

Mr. Abhishek Jain

...For the Petitioner.

Mr. Y.J. Dastoor

Mr. Rajdeep Biswas

...For the Respondent No.3.

Mr. Abhrajit Mitra

Ms. Rajshree Kajaria

Mr. Sarvapriyo Mukherjee

Mr. Satadeep Bhattacharyya

Mr. Uttam Sharma

...For the Intervenor.

This is an application under Article 226 of the Constitution of India wherein the writ petitioner is aggrieved by orders dated August 25, 2020; October 8, 2020 and November 6, 2020 wherein the quantum of raw jute to be held by the Members of the petitioner no.1 has been reduced by the Jute Commissioner. Finally, by order dated November 6, 2020 the Jute Commissioner has directed that the maximum to be held by the members of the petitioner no.1 shall be five hundred quintal. Further direction was given that the stock should be brought to the limit of five hundred quintal within a period of ten days from the date of issue of the letter.

An application, being C.A.N. 1 of 2020 has also been made in this writ petition for adding the Indian Jute Mills Association as party to the writ petition.

Upon a suggestion being made by this Court on December 10, 2020, parties have considered certain points and Mr. Y.J. Dastoor, learned Additional Solicitor General

appearing on behalf of the Jute Commissioner, has submitted a plan of action, which if implemented, shall dispose of the writ petition. The writ petitioner as also the intervening party have argued to the plan of action.

In light of the same, the Court passes the following order :-

- a) The writ petitioner shall file an application for extension of time to comply with the order dated November 6, 2020 before the Jute Commissioner within a period of seven days from date. The said application shall contain the name of each of its members and quantum of raw jute stocks held by each of the members;
- b) Upon receipt of such an application, the Jute Commissioner shall pass such order/orders extending the time to bring down the stock of raw jute materials to five hundred quintal within a period of seven days from receipt of the application;
- c) In the event, the application is not made by the petitioner within the aforesaid seven days, the Jute Commissioner shall be at liberty to proceed in accordance with law against the members of the association, including coercive measures;
- d) Other persons who are not members of the writ petitioner no.1 may also apply to the Jute Commissioner for extension and the Jute

Commissioner shall consider these other applications as provided above;

- e) It is made clear that after expiry of the extended period of time, the Jute Commissioner shall be at liberty to proceed with the defaulting stockists in accordance with law; and
- f) The Jute Commissioner shall not take any coercive steps except as provided above.

I make it clear that I have not gone into the merits of the arguments raised by the petitioner and the intervening applicant. These points have not been addressed at all and therefore shall not operate as res judicata / constructed res judicata.

With the aforesaid observation, the writ petition is disposed of. Consequently the application, being CAN 1 of 2020 is also disposed of without passing any order.

Since, no affidavit-in-opposition has been called for, the allegations made in the writ petition are deemed to have not been admitted by the respondents.

There will be no order as to costs.

Urgent photostat certified copy of this order, if applied for, be given to the parties upon compliance of all necessary formalities

(Shekhar B. Saraf, J.)