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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 1700 OF 2021

Hindustan Sugars Limited ...Petitioner
Versus
Union of India and Others ...Respondents

Mr V P Sawant, *Senior Advocate, with Mr Nikhil Patil i/b Veerdhaval Kakade for the Petitioners.*

Mr Parag Vyas, *i/b A A Ansari, for Respondent Nos 1 to 3 – Union of India.*

Mr R P Kadam, *AGP, for the Respondent – State.*

CORAM G.S. Patel &
Madhav J. Jamdar, JJ.
DATED: 7th December 2021

PC:-

1. Mr Sawant on instructions states that his client will make an appropriate representation to the 2nd and 3rd Respondents in regard to the demand challenged in this Petition, i.e. the requirement by the Respondents that the Petitioners must furnish an unconditional bank guarantee of Rs 50 lacs for every year of extension to the Petitioner's IEM (Industrial Entrepreneurs' Memorandum). That representation is to be made by 10th January 2022. The authorities will consider that representation on its merits at the earliest and in any event by 11th February 2022.

2. We clarify that we have expressed no opinion on the merits of this matter.

3. On behalf of the Respondents it is stated that the bank guarantees that were previously furnished have already been invoked but the demand drafts are yet to be deposited. We note the statement. However, until the disposal of the representation and for a period of two weeks thereafter i.e. until 25th February 2022, the previous ad-interim order of 13th October 2021 will continue.

4. The Branch Manager of the Indian Overseas Bank, Pune Cantonment Branch, Pune will extend the validity of the demand drafts on the basis of this order. The Indian Overseas Bank, Pune Cantonment Branch will not insist on production of certified copy but will act on production of authenticated copy of this order.

5. The Writ Petition is disposed of in these terms.

6. All concerned will act on production of a digitally signed copy of this order.

(Madhav J. Jamdar, J)

(G. S. Patel, J)