

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.17440 of 2017

Ammundi Vellore Sankarai
Allai Karumbu Vivsayegal Munnetra Sangam
Represente b its Secretary
M.Raghupathy

...Petitioner

vs

- 1.The Commissioner of Sugar
Mahesan Kasirajan
690, Anna Salai,
Chennai 600 035.
- 2.The Managing Director
Vellore Co-operative Sugar Mills,
Manivannan
Vellore Sugar Mill
Ammundi, Sugar Mill Post,
Katpadi Taluk, Vellore 632 519.
- 3.The District Collector,
Sathuvachari,
Vellore 632 009.

..Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the 2nd respondent to disburse the total due/arrears amount of Rs.24,47,75,000/- (Rupees Twenty four crores forty seven lakhs and seventy five thousand only) to as on 30.06.2017 along with 15% interest per month as per agreement between the petitioner's members/farmers and the 2nd respondent within a time frame fixed by this court.

For Petitioner	:	M/s.T.Karunakaran
For R1	:	Mr.L.P.Shanmugasundaram Spl.Govt.Pleader.
For R2	:	Mr. R.Bala Ramesh
For R3	:	Mr.N.Inbanathan Addl.Govt.Pleader.

O R D E R

This writ petition has been filed by the petitioner for issuance of a writ of mandamus to direct the 2nd respondent to disburse the total due/arrears amount of Rs.24,47,75,000/- (Rupees Twenty four crores forty seven lakhs and seventy five thousand only) on 30.06.2017 along with 15% interest per month as per agreement between the petitioner's members/farmers and the 2nd respondent within a time frame fixed by this court.

2. Pending the writ petition, the payments has been released. The respondent has filed an affidavit of the 2nd respondent sworn by one A.Shankar, Managing Director, wherein it is stated that pursuant to an order dated 11.09.2017, the 2nd respondent has paid the entire Fair and Remunerative Price for a sum of Rs.9,11,85,606/- to the Sugar-cane growers for supply of 40266.057 Metric Tons. The details of sugar cane payment for 2016-2017 reads as follows:-

Cane Prince	Amount payable	Total Deductions	Net amount paid
92611931 (40266.057 M.Tons)	93930825 (with subsidy of 1318894)	27452191 (other Mills cane price adjustment 2477070 + Dues/Suspense amount 268149)	911856 06

3. The affidavit filed in obedience of this Court's order on 03.01.2018 and in compliance of the order dated 11.09.2017, it is stated that the 2nd respondent Sugar Mill has paid the entire Fair and Remunerative Price Price for a sum of Rs.9,11,85,606/- to the Sugar-cane growers in the month of October 2017 except the State Advisory Price (SAP). It is further submitted that the Government has now issued G.O.Ms.No.227, Industries (MICI) Department dated 31.12.2019 to settle the SAP arrears of the Co-operative Sugar Mill and Public Sector sugar for the year 2015-2016 and also for the arrears of 5A Cane price to the concerned sugar Mills.

4. It is submitted that the Statement of Accounts regarding payment to the farmers of the 2nd respondent viz., Sugar Mill are extracted hereunder:

Name of the Suar Mill	5A price dues (2004-2005 to 2008-2009)	2015-2016 SAP	2016-2017 SAP	Cumulative Arrears

Vellore Co-operative sugar Mill	1.4815	3.6969	2.6138	7.7922
---------------------------------	--------	--------	--------	--------

5. It is submitted that barring the above payment there are no other arrears of payment as on date. The learned counsel for the respondent submits that the above amount of Rs.7.7922 crores will be paid by the end of February 2021.

6. Recording the Statement of the learned Special Government Pleader appearing for the 2nd respondent to pay the balance amount in terms of the affidavit dated 15.12.2020, the writ petition is disposed. The 2nd respondent, Sugar Mill is directed to pay the arrears together with interest, if any, as per law to the farmers of the petitioner Sangam by the end of February 2021. No cost.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

kkd
To

1. The Commissioner of Sugar
Mahesan Kasirajan
690, Anna Salai,
Chennai 600 035.
2. The Managing Director
Vellore Co-operative Sugar Mills,
Manivannan
Vellore Sugar Mill
Ammundi, Sugar Mill Post,
Katpadi Taluk, Vellore 632 519.
3. The District Collector,
Sathuvachari,
Vellore 632 009.

+1cc to Mr.R.Balaramesh, Advocate, S.R.No.337
+1cc to M/s.T.Karunakaran, Advocate, S.R.No.962
+1cc to the Government Pleader, S.R.No.899

W.P.No.17440 of 2017
and M.P.No.1 of 2013

(CO)
rv(16/02/2021)