

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18860 of 2021

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M/s Vishnu Sugar Mills Ltd. Having registered office at C-3/3, Gillander House, 8, Netaji Subhash Road, Kolkata- 700001 and Local office at Vishnu Sugar Mills, Gopalganj through its General Manager, Sri Sasidhar Panicker, male, aged about 75 years, son of Late Raghav Panicker, resident of Village- Vishnu Sugar Mills, P.O.- Vishnu Sugar Mills- 841428 (Gopalganj), P.S.- Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Registration Excise and Prohibition, Government of Bihar, Patna.
2. The Principal Secretary, Registration Excise and Prohibition, Government of Bihar, Patna.
3. The Additional Chief Secretary Registration Excise and Prohibition, Government of Bihar, Patna.
4. The Commissioner Registration Excise and Prohibition, Government of Bihar, Patna.
5. The Deputy Commissioner Registration Excise and Prohibition, Government of Bihar, Patna.
6. The Excise Commissioner-cum- Controller of Molasses Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ashish Giri, Advocate
For the Respondent/s	:	Mr.Vikash Kumar (SC- 11)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 30-06-2022

Heard learned counsel for the parties.

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

- i. To issue a writ/order/ direction in the nature of certiorari for quashing the order no. 4540 dated 17.09.2021 issued by the State Government under the signature of the Additional Chief Secretary, Registration Excise and Prohibition Department, Government of Bihar, Patna fixing price of molasses per quintal based on various gradation of the molasses in exercise of power under Section 8 of the Bihar Molasses Control Act, 1947 or alternatively direct the respondent to re fix the price of molasses at par with the price of molasses fixed in Uttar Pradesh.
- ii. To hold and declare that the gradation of the molasses and fixation of price thereof vide order no. 4540 dated 17.09.2021 is contrary to the provisions of the Bihar Molasses (Control) Act, 1947 itself and thus, not tenable in the eyes of law.
- iii. To hold and declare that the order no. 4540 dated 17.09.2021 is violative of Article 14 and 19(1)(g) of the Constitution of India as being arbitrary, perverse and unreasonable.
- iv. To issue writ/order/orders in the nature of Mandamus directing the respondent-state government to decontrol the

price fixation of molasses and that the price of the molasses can be accordingly fixed in open market on need basis between the sellers and buyers.

- v. To hold and declare Section 8 of the Bihar Molasses (Control) Act, 1947 read with Rule 4 of the Bihar Molasses (Control) Rules, 1955 ultra-virus Article 14 and 19(1)(g) of the Constitution of India.
- vi. To any other relief or reliefs for which the petitioner is found to be entitled in the facts and circumstances of the case.

After the matter was heard for some time, finding the Bench not to be in favour of the submission made by the learned counsel for the petitioner, learned counsel for the petitioner, under instructions, states that the petition, in its present form, may be permitted to be withdrawn reserving liberty to file afresh with better particulars on the same and subsequent cause of action, if so required and desired.

Prayer allowed.

Petition is disposed of as withdrawn with the liberty aforesaid.

As and when such petition is filed, registry shall process it immediately and have it listed before the appropriate Court.

Also liberty reserved to the petitioner to take recourse to such other remedies as are otherwise available in accordance with law.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	