

Ashwini

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 114 OF 2022**

Vardeshwar Sugar and Agro Products Ltd ...Petitioners
NEWASA (BK)
Versus
The Union of India & Ors ...Respondents

Mr Nitin Gaware, for the Petitioners.
Mr Parag Vyas, with Ashish Mehta & H Makwana, i/b Ethos Legal Alliance, for Respondents Nos. 1 & 2.

**CORAM G.S. Patel &
Madhav J. Jamdar, JJ.**
DATED: 31st January 2022

PC:-

1. On 7th December 2021, in Writ Petition No. 1700 of 2021, we passed the following order:

“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.

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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.”

2. The present matter stands on an identical footing.

3. On 18th January 2022, since one of the counsel was unavailable, we could not make the necessary order that day. We proceed to do so today.

4. The Petitioners will make an appropriate representation to Respondents Nos. 2 and 3, namely, the Chief Director (Sugar) and the Commissioner of Sugar in regard to the demand challenged in the instant Petition, i.e. that the Petitioners must furnish an unconditional bank guarantee of Rs. 50 lakhs for every year of extension to the Petitioner's i.e. (IEM) (Industrial Entrepreneurs’

Memorandum). Such a representation will need to be made by 5th February 2022. That representation is to be considered on its merits at the earliest and in any event by 11th February 2022. We fix the same date so that both matters will then be in tandem.

5. We have expressed no opinion on the merits of the matter. The previous protection granted by our order dated 18th January 2022, i.e., the status quo will presently continue.

6. The Petition is disposed of in these terms.

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

(Madhav J. Jamdar, J)

(G. S. Patel, J)