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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

2 WRIT PETITION NO.8836 OF 2023

GANGAMAI INDUSTRIES AND CONSTRUCTION LTD,
THROUGH ITS VICE PRESIDENT V S KHEDEKAR
VERSUS
THE STATE OF MAHARASHTRA, THROUGH THE
SECRETARY FOR STATE EXCISE DEPARTMENT AND
OTHERS

....
Mr V. D. Hon, Senior Advocate i/b Mr A. V. Hon, Advocate for
Petitioner;
Mr D. R. Kale, G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATE : 31st July, 2023

PER COURT:

1. The Petitioner has put forth prayer clauses (B) and (C)
as under :-

“B) Issue a writ mandamus or writ in the nature of mandamus to respondent No.1 State Government to forthwith grant necessary permission/sanction for sale of B. heavy molasses stored at the Karkhana site of the petitioner company in three different steel tanks having quantity of 13971.002 MT, as per the recommendation made by the Commissioner, State Excise, Maharashtra State, Mumbai on 8.6.2023 and for that matter necessary orders be passed.

C) Pending the hearing and final disposal of this writ petition the petitioner be permitted to sale B. heavy

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molasses. stored at the Karkhana site of the petitioner company in three different steel tanks, having quantity of 13971.002 MT, as per the sanction/approval of the Commissioner of State Excise, Maharashtra State, dated 8.6.2023.”

2. It is brought to our notice that the file of the Petitioner, seeking permission to sale the molasses for the purposes of making payments to the agriculturists at the rates of Fair and Remunerative Price (FRP) and to pay the harvesting labourers, transporters and to incur payment for maintaining the machines of the sugar factory, is pending. The transporters and the labourers are required to be paid advances, failing which, they cannot start activity of harvesting and transportation. The proposal, therefore, seeks permission to enable the Petitioner to dispose of the molasses and accordingly, make the payments.

3. The learned A.G.P. submits on instructions that, as the proposal of the Petitioner has been forwarded by the Assistant Commissioner (Administration), State Excise Department, Maharashtra State, Mumbai, to the Additional Chief Secretary, Home Department (State Excise), vide the communication dated 08/06/2023, the same shall be dealt with and a final order would

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be passed by Respondent No.1, within the time line, as directed by the Court.

4. In view of the above, **this petition is disposed off**, with a direction to Respondent No.1, to take a decision on the said proposal, on or before 11/08/2023 and communicate the said decision to the Petitioner, expeditiously.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk