IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11128 of 2017 and
W.M.P.Nos.12062 & 12063 of 2017

The South Indian Sugar Mills Association
Tamil Nadu
'Karumuthu Centre' 2nd Floor
New No.634 (Old No.498)
Anna Salai, Nandanam
Chennai – 600 035
Rep. by its Secretary, S.Chellappa. .. Petitioner

vs

1. The Union of India
   Rep by the Secretary to Government
   Ministry of Consumer Affairs
   Food and Public Distribution, Government of India
   Krishi Bhavan, New Delhi – 110 001.

2. The Joint Secretary
   Ministry of Consumer Affairs
   Food and Public Distribution, Government of India
   Krishi Bhavan, New Delhi – 110 001.

3. The Chief Director – Sugar Development Fund
   Ministry of Consumer Affairs
   Food and Public Distribution, Government of India
   Krishi Bhavan, New Delhi – 110 001. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus, calling for the records of the first respondent comprised in the letter No.1-05/2007-SPF[art-II dated 23.02.2016 and Letter No.1-05/2007-SPF/Part-II dated 14.06.2016 and quash the same as illegal and consequently direct the first respondent to extend the benefits of the GSR No.443 dated 21st June 2002 read with GSR No.895E dated 19th November 2003, Notification No.1/2/2007/SPF dated 19th April, 2007 read with Notification No.GSR-697[E] dated 7th November 2007 issued by the first respondent to the members of the petitioner Association for the actual quantity of sugar exported till 30.09.2008.

For the Petitioner	:	Mr.Prahalad Bhat for Mr.Rahul Balaji
For the Respondents	:	Ms.ME.Saraswathy Senior Panel Counsel

ORDER

The writ on hand has been instituted to call for the records of the first respondent comprised in the letter No.1-05/2007-SPF/Part-II dated 23.02.2016 and Letter No.1-05/2007-SPF/Part-II dated 14.06.2016 and quash the same as illegal and consequently direct the first respondent to extend the benefits of the GSR No.443 dated 21st June 2002 read with GSR

No.895E dated 19th November 2003, Notification No.1/2/2007/SPF dated 19th April, 2007 read with Notification No.GSR-697[E] dated 7th November 2007 issued by the first respondent to the members of the petitioner Association for the actual quantity of sugar exported till 30.09.2008.

2. The petitioner is the South Indian Sugar Mills Association. The Association is functioning for the welfare of its members, who are all the manufacturers of sugar through their mills. The grievance of the writ petitioner are that the Government of India announced certain benefits for export of sugar under the welfare scheme for the year 2006-08. Under the scheme, the sugar mills are benefited on export of sugars to various countries across the world.

3. The learned counsel for the petitioner mainly contended that the impugned order dated 14.06.2016 is an additional condition, which was imposed after promising to pay the benefits as per the original scheme. Thus, any withdrawal of benefit by way of subsequent notification is

untenable. In other words, the benefits confirmed under the original scheme was denied to the petitioner and thus, the petitioner are constrained to move the present writ petition.

4. Learned Senior Panel Counsel appearing on behalf of the respondents objected the said contention by stating that it was informed to all concerns about the decision taken in the Cabinet Committee on Economic Affairs granting relief to sugar and sugar cane farms. Clause (viii) of the committee's decision reveals that "to extend export assistance scheme continuing at present, by one more year from 19th April, 2008 to 18th April, 2009 to target an additional export of further 3 millions tons of sugar. The export assistance will be provided from Sugar Development Fund (SDF)."

5. Thus, the members Association were aware of the decision taken in the Cabinet Committee on Economic Affairs and its notification issued by the competent authority in proceedings dated 14.06.2016, more specifically

by the Ministry of Consumer Affairs, Food and Public Distribution. Thus, the said order would not provide any cause to the petitioner to file a writ petition.

6. It is further contended that in respect of Andhra Pradesh, Pondicherry, Tamil Nadu and Karnataka, the respondents have received total 549 claims of value of Rs.307.99 crore. Out of the 549 claims, 408 claims of value of Rs.243.61 crore were passed by this Department and payments were made to these mills. This fact has not been brought to the knowledge of this Court by the present writ petitioner. Certain policy decisions taken by the Government extend to welfare benefits, which cannot be interfered by the Courts unless such facts are unconstitutional or directly in violation of the statutory provisions.

7. The petitioner states that the sealing of sixty crore ton, which is notified through the impugned order was not contemplated in the original scheme and therefore, they are aggrieved. Contrarily, the learned Senior

Panel Counsel states that it was informed to the mills at the time of implementation of the scheme and more so, the scheme is governed by its terms and conditions. Such welfare schemes are granted by the Government considering certain mitigating factors prevailing during the relevant point of time in respect of the sugar cane. Therefore, the schemes are to be implemented strictly in accordance with the terms and conditions.

8. In the present case, the association filed the writ petition. Such writ petition cannot be entertained, since the mills are supplying / exporting their products based on contract / agreements. That being the factum, if any individual is aggrieved, such individual has to approach the competent authority. Therefore, the writ petition filed by the Association is not entertainable, since the grievances are individual in nature. More so, with reference to the policy decision of the Government and this Court do not find any infirmity in respect of the letter which was issued by the policy decision taken by Government of India to extend mandatory relief to the sugar mills / farms.

9. Thus, the members of the petitioner Association, if individually aggrieved, is at liberty to approach the authorities. With these directions, the writ petition is dismissed. There will be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Index : Yes/No 24.03.2023
Neutral Order:Yes/No

drm

To:

1. The Union of India
   Rep by the Secretary to Government
   Ministry of Consumer Affairs
   Food and Public Distribution, Government of India
   Krishi Bhavan, New Delhi – 110 001.

2. The Joint Secretary
   Ministry of Consumer Affairs
   Food and Public Distribution, Government of India
   Krishi Bhavan, New Delhi – 110 001.

3. The Chief Director – Sugar Development Fund
   Ministry of Consumer Affairs
   Food and Public Distribution, Government of India
   Krishi Bhavan, New Delhi – 110 001.

S.M.SUBRAMANIAM,J.

(drm)

W.P.No.11128 of 2017

24.03.2023