



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

WRIT PETITION NO. 155 OF 2024

**KARMAYOGI ANKUSHRAO TOPE SAMARTH SAHAKARI SAKHAR
KARKHANA LTD THROUGH ITS MANAGING DIRECTOR
VERSUS**

GOVERNMENT OF INDIA THROUGH THE SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 1112 OF 2024

WITH CIVIL APPLICATION NO. 3733 OF 2024

**SAHAKAR MAHARSHI SHANKARRAO KOLHE SAHAKARI SAKHAR
KARKHANA LIMITED THROUGH ITS MANAGING DIRECTOR**

VERSUS

THE GOVERNMENT OF INDIA THROUGH THE SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 579 OF 2024

YEDESHWARI AGRO PRODUCTS LTD., THR ITS CHAIRMAN

VERSUS

THE GOVERNMENT OF INDIA THR ITS SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 1570 OF 2024

**BHAURAO CHAVAN SAHAKARI SAKHAR KARKHANA LTD THROUGH ITS
MANAGING DIRECTOR**

VERSUS

GOVERNMENT OF INDIA THROUGH THE SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 1627 OF 2024

**GANGAMAI INDUSTRIES AND CONSTRUCTION LTD THROUGH VICE
VISHNU SHRIPATRAO KHEDEKAR**

VERSUS

THE GOVERNMENT OF INDIA THROUGH THE SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 1864 OF 2024

**NATURAL SUGAR AND ALLIED INDUSTRIES LTD THROUGH ITS
AUTHORIZED OFFICER ASHOK PRABHUAPPA DAMA**

VERSUS

THE GOVERNMENT OF INDIA THROUGH THE SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 1988 OF 2024

ASHOK SAHAKARI SAKHAR KARKHANA LTD THROUGH ITS DISTILLERY
INCHARGE
VERSUS

GOVERNMENT OF INDIA THROUGH THE SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 2997 OF 2024

WITH CIVIL APPLICATION NO. 4739 OF 2024

PADMASHRI DR VITTHALRAO VIKHE PATIL SAHAKARI SAKHAR
KARKHANA LIMITED AT PRAVARANAGAR
VERSUS

THE GOVERNMENT OF INDIA THROUGH THE SECRETARY AND OTHERS
WITH

CIVIL APPLICATION NO. 3514 OF 2024

IN CA/2630/2024

KARMAYOGI ANKUSHRAO TOPE SAMARTH SAHAKARI SAKHAR
KARKHANA LTD THROUGH ITS MANAGING DIRECTOR
VERSUS

GOVERNMENT OF INDIA THROUGH THE SECRETARY

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Mr. V. D. Hon, Senior Advocate i/by Mr. A. V. Hon, Mr. R. N. Dhorde,
Senior Advocate i/by Mr. S. S. Tope, Mr. S. R. Sapkal, Advocates for the
Petitioner/Applicant in respective Petition

Ms. Pallavi Pakale, Advocate h/f Mahadik & Associates for the Petitioner
in respective Petitions.

Mr. A. B. Girase, GP, for the Respondents/State

Mr. A. G. Talhar, DSGI Advocate for Respondent/UOI

Mr. A. P. Bhandari, Advocate for Respondent/OMC

**CORAM : RAVINDRA V. GHUGE AND
R. M. JOSHI, JJ.**

DATE : 10th MAY, 2024

PER COURT :-

1. In all these matters, the learned Senior Advocates

representing the various parties, on instructions from the briefing learned Advocates, have circulated these matters today. These matters were heard on 8th May, 2024 and were adjourned to 21st June, 2024. However, circulation motions were moved yesterday and hence, these matters are listed today.

2. The learned Advocates submit, on instructions, that if the OMCs agree to accept the entire contracted Ethanol quantity as expeditiously as possible, in the light of the judgment of the learned Single Judge of the Karnataka High court, in case of *Hermes Distilleries Pvt Ltd., Vs. Union of India and Others in Writ Petition No. 107496 of 2023 with connected other Writ Petitions, dated 25th April, 2024*, these Petitions can be disposed off.

3. The learned Advocate Mr. Bhandari has taken instructions from his client and submits that the OMCs were comfortable in receiving the balance contracted Ethanol quantity up to 31st October, 2024 as per the contracted quantity and in tune with the Government Policy.

4. When we called upon the learned Advocate to take further instructions, he submits, on instructions, that the balance contracted Ethanol quantities **(total contracted quantity – quantity of Ethanol lifted as per the orders of Court)** vis-a-vis each of these Petitioners, would be lifted in four equal quantities on or before 30th September, 2024 or prior

thereto, as per the indent /requisition issued by OMCs.

5. We suggested to the parties as to whether it would be comfortable if the one quarter of the balance contracted Ethanol quantity is lifted between 15th June, 2024 to 25th June, 2024 and during the same period for the following months in July, August and September, 2024. The learned Advocate Mr. Bhandari submits, on instructions that the OMCs are agreeable.

6. The parties are *ad-idem* that no further purchase or procurement (generation) of B-Heavy Molassess will be done since the season of two quarters from November, 2023 to April, 2024 has already concluded.

7. In view of the above statements, **all these Petitions are disposed off**. Needless to state, **the pending Civil Applications would not survive and stand disposed off**.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp