IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13645 OF 2024

M/s. NSL Sugars Limited,
Having its Registered Office at
60/1, 2nd Cross, Residency Road,
Bangalore-560 025 and
Factory at : "Jay Mahesh Unit-III"
Pawarwadi Village, Majalgaon Taluka,
Beed District-431431, Maharashtra
Through its Dy. Manager -Legal
Mr. Rudrajit Manjot Adhikary. … Petitioner

VERSUS

1) The Union of India
Through its Secretary
Ministry of Consumer Affairs,
Food & Public Distribution
(Department of Food & Public Distribution)
(Directorate of Sugar and Vegetable Oils)
Krishi Bhavan, New Delhi-110 001.

2) The Joint Secretary (Sugar)
Ministry of Consumer Affairs,
Food & Public Distribution
(Department of Food & Public Distribution)
(Directorate of Sugar and Vegetable Oils)
Krishi Bhavan, New Delhi-110 001. … **Respondents**

…

Advocate for Petitioner : Mr. Aditya N. Sikchi
Advocate for Respondent nos. 1 to 3 : Mr. Ajay G. Talhar, DSGI.

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR , JJ.

DATE : 13.12.2024

PER COURT : (PER : MANGESH S. PATIL J.)

Heard learned advocate for the petitioner.

2. The petitioner, which is a sugar manufacturing company is coming with following prayers:

> *"A) The Hon'ble Court may be pleased to issue appropriate writ, order or direction in the nature of writ and kindly quash the impugned orders issued by respondent no. 3 imposing restriction on sale of sugar in open market for the month of November and December 2024, vide orders 30.10.2024 and 29.11.2024, respectively.*
>
> *B) The Hon'ble Court may be pleased to issue appropriate writ, order or direction in the nature of writ and direct the respondents to permit the petitioner to sell entire sugar production of sugar season 2024-25, without requirement of release orders."*

3. The learned advocate for the petitioner would submit that the petitioner-company has not been permitted to sell sugar by the impugned orders dated 30.10.2024 and 29.11.2024 for the respective months, without any reason. The decision is arbitrary and affects the petitioner's right to carry on business. It is only if the petitioner is able to sell the sugar manufactured by it that it would be able to pay the farmers the FRP and would be able to incur other expenditure for running the factory.

4. We have considered the submissions and perused the papers.

5. In light of the prayers put forth, the only issue that needs to be considered is as to whether the impugned orders dated 30.10.2024 and 29.11.2024 are arbitrary and illegal.

6. A careful perusal of these orders would reveal that in exercise of the powers conferred under Section 3 of the Essential Commodities Act, 1955, read with Clauses 4 and 5 of the Sugar Control Order, 1966, and the order of the Government of India, the Department of Food and Public Distribution dated 07.06.2018, it was directed that every producer of sugar shall hold white/refined sugar stock they have been holding at the end of the

respective month until further orders.

7. In the process, as many as in respect of 573 sugar factories grant of permission was considered, which could be sold during the respective months of November 2024 and December 2024. Several other sugar factories have been granted permission apparently wherever the deductions have not been made pursuant to the violation of stock holding limit orders, which were of similar kind, issued in the month of July and August 2024 and September 2024. Meaning thereby that the petitioner company had sold excess stock than that was permitted under similar orders passed in those three months. The 7th column expressly indicates against the petitioners name, the excess quantity sold by it. It is pursuant to such deductions, now apparently it has been prevented from selling any sugar in the month of November and December 2024.

8. In our considered view, when it is a matter of implementation of the provisions of Essential Commodities Act read with Sugar Control Order and the Government of India has been monitoring such sale of sugar in the open market, in the absence of any *mala fides* or arbitrariness, we cannot entertain any challenge to both the orders.

9. The writ petition is dismissed.

(PRAFULLA S. KHUBALKAR J.) **(MANGESH S. PATIL, J.)**

mkd/-