



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2997 OF 2024

PADMASHRI DR VITTHALRAO VIKHE PATIL SAHAKARI SAKHAR
KARKHANA LIMITED AT PRAVARANAGAR

VERSUS

THE GOVERNMENT OF INDIA THROUGH THE SECRETARY AND OTHERS

Mr. V. D. Hon, Senior Advocate i/b Mr. A.V. Hon, Advocate for the
Petitioner

Mr. A. G. Talhar, DSGI for Respondent Nos.1 to 3

Mr. A. P. Bhandari, Advocate for Respondent Nos. 4 to 6

Mr. D. R. Korde, AGP for Respondent Nos. 7 and 8

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

DATE : 18th MARCH, 2024

PER COURT :-

1. The Petitioner -Sugar Factory has put forth prayer clauses 'B',
'C', 'D', 'E' and 'F' as under:

"B) Issue a writ of certiorari or writ in the nature of certiorari to quash and set aside the impugned notification dated 7/12/2023 and revised notification dated 15/12/2023 issued by respondent No.2 being unconstitutional, illegal and void ab-initio and for that purpose issue necessary writ, order or directions.

C) Issue a writ of mandamus or writ in the nature of mandamus to the respondents granting permission to the petitioner Sugar Mills to use allowed feedstocks for the production of the Ethanol and the petitioner be also permitted to use the sugarcane juice for Ethanol production in the Ethanol Sugar Year 2023-24.

D) Issue a writ of mandamus or writ in the nature of mandamus to the respondents OMC's Corporation to lift

additional quantity of Ethanol produced by the petitioner sugar factory for the Ethanol Sugar year 2023-24.

E) Pending the hearing and final disposal of this writ petition grant stay to the operation, implementation and execution of the impugned notification dated 7.12.2023 and revised notification dated 15/12/2023 issued by respondent No.2.

F) Pending the hearing and final disposal of this writ petition the respondents OMC's Corporation be directed to lift additional quantity of Ethanol produced by the petitioner sugar factory for the Ethanol Sugar Year 2023-24."

2. Having heard the learned Senior Advocate on behalf of the Petitioner and the learned DSGI on behalf of the Union of India, we have referred to our earlier orders passed on 22nd February, 2024 in Karmayogi Ankushrao Tope Samarth Sahakari Sakhar Karkhana Ltd. and on 15th March, 2024.

3. Issue notice to the Respondents, returnable on 17th April, 2024.

4. The learned DSGI waives service of notice on behalf of Respondent Nos. 1, 2 and 3. Mr. Bhandari, the learned Advocate waives service of notice on behalf of Respondent Nos. 4, 5 and 6. The learned AGP waives service of notice on behalf of Respondent Nos. 7 and 8.

5. The view taken by this Court vide the order dated 22nd February, 2024 in Writ Petition No. 155 of 2024 with Civil Application No.

2630 of 2024 and 1725 of 2024 and the order dated 15th March, 2024 in the said proceedings, would squarely apply to the case of the Petitioner, by way of interim relief.

6. All office objections to be removed on or before 3rd April, 2024, failing which, the Petition would stand dismissed without reference to the Court on 4th April, 2024.

(R. M. JOSHI, J.)

(RAVINDRA V. GHUGE, J.)

ssp