IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2024

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.15615 of 2020

Tamil Nadu Sugarcane Growers Association
(Regd. No.19/1988),
rep. by its Secretary R.Thennarasu,
Door No.17, Morai Mettu Street,
Nellikuppam, Cuddalore District
Pin : 607 105. .. Petitioner

Vs

1.The District Collector,
Cuddalore,
Cuddalore District.

2.The Commissioner of Sugar,
Periyar EVR Maligai,
No.690, Anna Salai,
Nandanam,
Chennai-600 035.

3.E.I.D.Parry (India) Limited,
Sugar Factory,
Nellikuppam,
Cuddalore District. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the second respondent to issue necessary direction by directing the third respondent sugar mill to refund the amount deducted so far from the members of the petitioner Association over and above 1% in respect of non-cane materials of sugar cane supplied during the sugar seasons 2018-2019; 2019-2020 and 2020-2021.

For the Petitioner	:	Mr.S.Udayakumar
For the Respondents	:	Mr.A.Edwin Prabakar State Government Pleader assisted by Mr.T.K.Saravanan Government Advocate for respondents 1 and 2
	:	Mr.Rahul Balaji for respondent No.3

ORDER

(Order of the court was made by the Hon'ble Chief Justice)

Heard Mr.S.Udayakumar, learned counsel for the petitioner; Mr.A.Edwin Prabakar, learned State Government Pleader for respondents 1 and 2; and, Mr.Rahul Balaji, learned counsel for the third respondent.

2. The petitioner seeks directions for refund of the excess amount of rebate deducted on non-cane material.

3. Learned counsel for the petitioner submits that the sugar factory is entitled to deduct 1% of rebate, however, in this case, has deducted 3.36%, which is not permissible.

4. Learned counsel for the third respondent submits that, in normal course, 1% rebate is deducted for non-cane material, however, in this particular region, the agriculturists had also put many waste materials for increase of the weight and that is why rebate of 3.36% was deducted. The third respondent is justified in deducting the same.

5. The designated authority is the Commissioner of Sugar (second respondent). The second respondent is required to decide the grievance of the petitioner/association about the excess deduction of the amount by the third respondent. The petitioner has already filed a complaint before the second respondent. The third respondent has also filed a reply. The petitioner as well as the third respondent are entitled to place on record additional

documents on which they rely before the second respondent. The second respondent shall consider the case put forth by the petitioner and the defence of the third respondent and thereafter decide the complaint of the petitioner on its own merits and in accordance with law, preferably within four months from the date of appearance of the parties before him. The petitioner and the third respondent shall appear before the second respondent on 22.4.2024.

The writ petition is disposed of accordingly. There shall be no order as to costs.

(S.V.G., CJ.) (J.S.N.P., J.)

05.04.2024

Index : Yes/No
Neutral Citation : Yes/No
sasi

To

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Chennai-600 035.

THE HON'BLE CHIEF JUSTICE
AND
J.SATHYA NARAYANA PRASAD,J.

(sasi)

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