

17.02.2025
Court No.13
Item No. 23
pk

FMA 1044 of 2022
Indian Jute Mills Association & Anr.
Vs.
Union of India & Ors.

Mr. Abhrajit Mitra, ld. Sr. Adv.
Ms. R. Kajaria
Mr. Sarvapriya Mukherjee,
Mr. S Bhattacharya

..for the appellants

Mr. Saikat Basu

..for the respondent no. 3

Mr. Joydip Banerjee,
Mr. Rahul Karmakar,
Mr. S.P. Chattopadhyay

..for the Jute Commissioner

1. The present appeal is directed against the detailed judgement and order dated 11th May, 2022.
2. The writ petitioner is aggrieved that some of their members were forced to purchase raw jute at price higher than the rate fixed by the Jute Commissioner.
3. The Jute Commissioner after considering all market permutations, volatility, hoarding and other illegal practices had directed the Jute Bailers Association to not quote a price more than Rs.6500/- . The Jute Bailers' Association normally displays an average price of jute for three months passed earlier on a daily basis. This essentially means that the actual market rate is in fluctuation and variance with the actual rate fixed by the Jute Commissioner. The period in question was from September, 2021 to March, 2022.

4. The issue may have become academic with the passage of time. The writ petitioner is, however, aggrieved that he had to purchase jute at higher price than the rate fixed by the Jute Commissioner upon being compelled to meet the target production of jute bags. He, therefore, submits that either the price fixed by the Jute Commissioner should vary with the daily price indicated by the Jute Bailleurs Association or each jute mill must be reimbursed the price of purchase of jute higher than the fixed value by the Commissioner.

5. This Court is unable to appreciate the arguments of the appellant/writ petitioner. The prayer if allowed would defeat the entire object and purpose of the jute controlled order.

6. Having regard to the above and given the realities of the raw jute market, the Single Bench had directed the Jute Commissioner to use all the powers it is conferred with the under the controlled order-in-question to reign in persons selling jute at a price higher than that faced by the petitioner.

7. It is submitted that steps have been taken by the Office of the Jute Commissioner against erring sellers at rates higher than it is fixed by the Jute Commissioner.

8. Mr. Mitra, learned advocate for the appellants submits that no such steps have been taken till date. Mr. Mitra's client shall in writing communicate to the Jute Commissioner the persons from whom each of

the members of the appellants have purchased jute at the price higher than Rs.6500/- at the relevant point of time. The Jute Commissioner shall exercise all power conferred on him on imposing penalties, seizure, lodging of complaints with the police and all other steps in accordance with law. On behalf of the Jute Commissioner it is submitted that that the volatility of the jute prices during the relevant point of time were duly arrested by the steps taken by the Jute Commissioner.

9. This Court finds no fault on the part of the Jute Commissioner.

10. The Jute Commissioner shall take steps as directed by the Single Bench, if not already taken.

11. It is expected that the concerned police station and the State Enforcement Branch strictly complies with any request of the Jute Commissioner in letter and spirit and with urgency.

12. With the aforesaid observations, this Court finds no fault with the order passed by the Single Bench.

13. Accordingly, the instant appeal is disposed of.

14. Any other remedies that the appellants may have against the sellers of the Jute Mills may be pursued independently in the other civil proceedings by the police.

15. There shall be no order as to costs.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)