

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1818 OF 2025

Kolhapur Zilla Sahakari Dudh Utpadak Sangh Ltd. ...Petitioner

Vs.

The State of Maharashtra & Ors. ...Respondents

Mr. Bhooshan R. Mandlik, for the Petitioner.

Ms. S. S. Bhende, AGP for the State.

CORAM: G. S. KULKARNI &
ADVAIT M. SETHNA, JJ.

DATED: 10 FEBRUARY 2025

P.C.

1. The claim of the petitioner is in regard to the export subsidy to be received on the manufacture of the milk powder. The case of the petitioner is that the petitioner is similarly placed as in the case of **Indapur Dairy and Milk Products Ltd. Vs. State of Maharashtra & Anr.**¹ wherein the petitioner therein was granted subsidy in pursuance of the directions of this Court in **Indapur Dairy and Milk Products Ltd.** (supra) decided by the co-ordinate Bench of this Court. Our attention is also drawn to the similarly situated petitioner in **Parag Milk Foods Ltd. Vs. State of Maharashtra & Ors.**² who had approached this Court in Writ Petition and by the judgment and order dated 26 August 2024 the Division Bench of this Court has granted similar benefits and the State Government was directed to issue an agreed subsidy in favour of the said petitioner. The petitioner

¹ Writ Petition No.1819/2023 dt. 20/03/2023

² Writ Petition No.11719/2023 dt. 26/08/2024

submits that the present case is also similarly placed as seen from the report of the Commissioner dated 26 May 2022 (page 85 to the petition), and there is no justification whatsoever in not granting the subsidy to the petitioner, and therefore the present petition.

2. Ms. Bhende, learned AGP would not dispute that the petitioner is similarly placed, however, her contention is that the orders passed earlier are now challenged. We cannot accept such contentions, when the petitioner is identically situated. Let instructions in this regard be taken and the Court be informed about the further course of action, the respondent-State would intend to take to release the subsidy to the petitioner.

3. Stand over to **17 February 2025. High On Board.**

(ADVAIT M. SETHNA, J.)

(G. S. KULKARNI, J.)