

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.98 OF 2012  
IN  
PUBLIC INTEREST LITIGATION NO.20 OF 2006**

Ashok N. Kulkarni ... Applicant  
Versus  
State of Maharashtra and another. ... Respondents

Mr. R.V.Govilkar with Mr. S.P.Kadam for the applicant.  
Mr.S.N.Patil, Assistant Government Pleader for Mr. S.R.Nargolkar for  
respondent-State.  
Ms. N.V.Masurkar for respondent No.4-Union of India.

**CORAM : MOHIT S. SHAH, C.J.. &  
N.M. JAMDAR, J.  
Friday, August 10, 2012**

**P.C.**

In our order dated 3 May 2011, we had clarified in terms that our order dated 14 March 2011 passed in PIL No.20 of 2006 does not apply to the co-generation projects undertaken by the sugar factories which are not making losses.

2. In spite of the above clarification, the Regional Director of Sugar, Ahmednagar has sent the impugned communication dated 7 May 2012 calling upon the applicant to produce any other judicial order/clarification for the grant of permission for setting up a bio-gas co-generation plant.

3. The respondents could not have raised the above objection when this Court has already passed order dated 3 May 2011 which is at Exhibit – 9 to the application.

4. The Regional Director of Sugar, Ahmednagar as well as the Commissioner of Sugar, State of Maharashtra are directed to act on the basis of the order dated 14 March 2011 as clarified by order dated 3 May 2011 in all cases where permission is sought by a sugar factory not making losses, for setting up or expanding a bio gas co-generation plant.

The application stands disposed of.

***CHIEF JUSTICE***

***N.M. JAMDAR, J.***