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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7142 OF 2013

Shree Chatrapati Sakhar Karkhana Ltd. ...Petitioner
vs
The Commissioner of Sugar, Pune. ...Respondent

.....
Mr A.V.Anturkar i/b S.B.Deshmukh for the Petitioner.
Mr S.K.Shinde Govt. Pleader for the Respondent
.....

**CORAM : V.M.KANADE AND
S.C. GUPTE, JJ.**

SEPTEMBER 25, 2013

P.C. :

Rule. Rule made returnable forthwith. By consent of the parties, matter is taken up for final hearing.

2. By this Petition, under Article 226 of the Constitution of India, the Petitioner has challenged the directions given by the Commissioner of Sugar in his letter dated 13 July 2012 directing the Petitioner to comply with the directions given by this Court in PIL No.20/2006. It is submitted that, so far as the directions which are given in the said PIL, they are not pertaining to the existing sugar factory and these directions were given in relation to new factories. It is submitted that, in similar case, this Court in Writ Petition No.1392 of 2010, by order dated 25 February 2010 was pleased to set aside the said directions which were given in the said case and had given directions to the Commissioner of Sugar to reconsider the issue and take a fresh decision in accordance with law. In the present case, Petitioner admittedly is existing sugar factory for last 65 years. The Petitioner made an application for expansion, for degeneration and

approached the Commissioner of Sugar seeking no objection and consent from the said authority. The Commissioner of Sugar, however was pleased to seek aforesaid compliance directing the Petitioner to comply directions given in PIL No.20/2006. We have perused these directions given by this Court in PIL No. 20/2006. It is obvious that, directions are given in respect of new sugar factories and not in respect of existing factories. The direction, therefore, given by the Commissioner of Sugar is erroneous and is liable to be set aside. The impugned order, therefore, is set aside. However, it is clarified that the directions in respect of future issues passed in PIL No.20/2006 would be applicable to the Petitioner.

3. The Commissioner of Sugar is directed accordingly to reconsider the issue and take a fresh decision in accordance with law as expeditiously as possible and in any case within four weeks from today.
4. Rule is made absolute accordingly.

(V.M.KANADE J.)

(S.C.GUPTA J.)