

(2013) 05 SC CK 0101

In the Supreme Court Of India

Case No : Petition(s) for Special Leave to Appeal (Civil) No(s).16633/2013
(From the judgement and order dated 26.04.2013 in WPC
No.14936/2013)

Anand Agro Chemical India Ltd.

APPELLANT

Vs

Suresh Chandra & Others

RESPONDENT

Date of Decision : 01-05-2013

Acts Referred:

Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1913

Citation : (2014) 269 CTR 127 : (2014) 221 TAXMAN 114

Hon'ble Judges : G.S. Singhvi and Ranjana Prakash Desai, JJ.

Bench : Division Bench

Advocate : Sanjay Parikh, Bushra Parveen, Mamta Saxena, Advocates and
Anitha Shenoy, A.O.R, for the Appellant;

Final Decision : Disposed Of

Judgement

1. Taken on board.

2. This petition is directed against order dated 26.04.2013 of the Division Bench of the Allahabad High Court, the operative portion of which reads as under:

"In the special facts and circumstances of the case, we direct the District Magistrate, Hathras to take immediate action against the Directors and occupiers of the sugar mill against whom several orders have been passed under the U.P. Sugarcane (Regulation and Supply) Act, 1913. The District Magistrate, Hathras may in exercise of his powers cause arrest of the Directors and occupier of the sugar mill to recover the dues. If the District Magistrate causes arrests, the Directors/occupier of the sugar mill will not be released until they have paid the entire amount due against them. List on 13th May, 2013. A copy of the order be given to learned Standing Counsel today for compliance."

3. We have heard Shri Sanjay Parikh, learned counsel for the petitioner and perused the record.

4. A reading of the order under challenge shows that the petitioner has not paid Rs. 16.12 crores to the farmers for the crushing year 2005-06 to 2009-10, which includes the price of sugarcane, the cane development commission and the interest. It is also borne out from the record that vide letter dated 24.11.2012, the Director of the petitioner had assured the Cane Commissioner that the company will pay Rs. 160 lacs as the price of the cane within two weeks and an amount of Rs. 700 lacs in instalments, the first of which will be paid on 15.01.2013, but the company did not fulfil its assurance.

5. In the above backdrop, it is not possible to find any fault with the direction given by the Division Bench of the High Court and there is absolutely no justification for this Court's interference with the impugned order.

6. The special leave petition is accordingly dismissed.

7. The Registry is directed to send copies of this order to the Registrar General of the Allahabad High Court and respondent Nos. 5 and 6 by fax.