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**(2024) 04 UK CK 0079**

**In the Uttarakhand High Court**

**Case No : Writ Petition (M/S) No. 41 Of 2018**

Dilbagh Singh And Another

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

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**Date of Decision : 16-04-2024**

**Acts Referred:**

Uttar Pradesh Sugarcane (Regulation Of Supply & Purchase) Act, 1953 — Section 13, 16

**Citation : (2024) 04 UK CK 0079**

**Hon'ble Judges : Ritu Bahri, CJ;Rakesh Thapliyal, J**

**Bench : Division Bench**

**Advocate : B.D. Upadhyay, Tushar Upadhyay, C.S. Rawat, Manav Sharma**

**Final Decision : Dismissed**

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## **Judgement**

Ritu Bahri, CJ

1. The short question for consideration in the present Writ Petition, is whether the State is bound to make payment of the Sugarcane, which the petitioners have supplied to the respondent no.5-Sugar Mill.

2. As per Section 16 of the U.P. Sugarcane (Regulation of Supply & Purchase) Act, 1953, which is reproduced in Paragraph no. 9, at Page No. 10 of the paper-book, the State Government, for maintaining supplies, has to regulate the purchase and supply of cane in the reserved and assigned areas, and as per Section 13, at Page No. 9 of the paper-book, the State Government, by making Rules, can make provision for fixing of prices in respect of the entries, so corrected or added in the register, and prescribing of the procedure for payment of such price.

3. The only power, which the State Government is exercising, under the U.P. Sugarcane (Regulation of Supply & Purchase) Act, 1953, is to regulate the prices, which the sugar-mill has to pay to the farmers.

4. The sugar mill company has gone into liquidation in the year 2013. Recovery certificate of the dues to the petitioners (cane growers) was issued on 22.08.2012, and thereafter, the sugar mill company has gone into liquidation in the year 2013.
5. The judgment cited by the learned Senior Counsel for the petitioners of the Allahabad High Court, in the case of Tarun Chatterjee and others v. Cane Commissioner, U.P. Lucknow, 2004 5 AWC 4175, is also not applicable to the facts of the present case, as even in this case, no directions have been given to the State Government to make the payment to the farmers. The only remedy available with the farmers, was to approach the Cane Commissioner to get the recovery certificate.
6. At this stage, since the sugar mill company has gone into liquidation, no direction can be given to the State to make payment to the petitioners, pursuant to the recovery certificate issued in the year 2012.
7. The Writ Petition (PIL) is, accordingly, dismissed.
8. Pending application(s), if any, also stand disposed of accordingly.