
(1999) 03 SC CK 0123

In the Supreme Court Of India

Case No : Civil Appeal Nos. 2103-08 Of 1999

Salt Commissioner, Jaipur

APPELLANT

Vs

Savitri Salt Suppliers and Others

RESPONDENT

Date of Decision : 31-03-1999

Acts Referred:

Citation : (1999) 66 ECC 20 : (1999) 83 ECR 489 : (1999) 108 ELT 14 : (1999) 9 SCC 195

Hon'ble Judges : S. S. M. Quadri, J; M. Jagannadha Rao, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Leave granted.

2. M/s Savitri Salt Suppliers filed Writ Petition No. 573 of 1994 in the High Court of Gauhati seeking certain directions against the appellant, Salt Commissioner, Government of India. The High Court issued certain directions on 26-5-1997 with regard to allocation of BG rakes to the said Company for import of common salt from outside the State of Tripura. Thereafter, the appellant, Salt Commissioner, Government of India passed an order dated 19-11-1997 allocating 1 BG rake for November 1997 to M/s Kailash Traders (nominee of the Tripura Government) for import of iodised salt and one other BG rake for December 1997 to M/s Savitri Salt Suppliers for import of common salt from outside into the State of Tripura. It was stated that the rake for December 1997 was assigned to M/s Savitri Salt Suppliers in compliance with the order of the Gauhati High Court dated 26-5-1997 in Writ Petition No. 573 of 1994 filed by M/s Savitri Salt Suppliers. On the ground that the order of the High Court dated 26-5-1997 did not imply that one BG rake was to be allocated in favour of M/s Savitri Salt Suppliers for December 1997 out of the 12 BG rakes allocated to the State of Tripura for 1997 and that the Salt Commissioner had misunderstood the order of the High Court dated 26-5-1997, M/s Kailash Traders filed Writ Petition No. 630 of 1997 in the High Court of Gauhati. The High Court passed an order on 5-1-1998 stating that

Writ Petition No. 630 of 1997 was not maintainable and the High Court also made it clear that the judgment dated 26-5-1997 did not give any direction that one BG rake should be taken away from the State quota. With the abovesaid observations, the writ petition filed by M/s Kailash Traders was dismissed.

3. Thereafter, writ petition against the said judgment dated 9-2-1998 was filed by M/s Kailash Traders in the High Court and the present appeals arise out of the order passed in the writ appeal. We may state that Writ Petition No. 630 of 1997 and the above writ appeal were filed by Mr Hari Prasad Nathi representing M/s Kailash Traders. In the writ appeal, the High Court again made it clear that the order dated 26-5-1997 made in favour of M/s Savitri Salt Suppliers did not amount to curtailment of the quota earmarked for the State of Tripura. The Division Bench made the following observations:

"We, therefore, find it necessary to direct Respondent 1 and other respondents including the Railway that the impugned order should not be read as an order affecting the petitioner's right to get allotment of one BG rake for the month of December 1997. In case the petitioner approaches the Salt Commissioner, Government of India and the Railway Authorities for allotment of a wagon (one BG rake from the quota of December 1997) the same will be allotted. In case there is no provision for allotment of BG rakes to private persons as per the direction contained in the order dated 26-5-1997 it should be the problem of the Salt Commissioner, Government of India, who if so advised, may raise the issue before higher judicial tribunals."

4. The above orders of the High Court relate to the calendar year 1997. But the Salt Commissioner felt that the directions issued in the above paragraph by the Division Bench of the High Court would create some difficulty for subsequent years in the allocation of the wagons and moved this Court by way of special leave. This Court passed an order of stay on 20-7-1998. Thereafter, this Court passed a further order on 6-10-1998 modifying the order dated 20-7-1998 as follows:

"Adjourned for two weeks as requested by the parties. However, we make it clear that our order of stay dated 20-7-1998 will be treated to have been confined only to the question of the allotment of rakes for December 1997 only. The aforesaid stay order will have no effect on the quota of release of rakes for subsequent months in accordance with law."

5. Now, the question of allocation of rakes for the calendar year 1999 has been argued before us. But, in our view, this is not a matter which is to be gone into by this Court particularly in view of the order passed by this Court on 6-10-1998 as extracted above. We are of the view that the scheme dated 17-4-1998 (called "the Zonal Scheme for Distribution of Edible Salt, 1998") framed by the Salt Commissioner and the proceedings of the Railway Board dated 24-8-1993 issued in exercise of powers under Section 27 of the Railways Act give sufficient power to the various authorities to deal with the allocation of rakes to different States

from time to time depending upon their needs. The proceedings dated 24-8-1993 of the Railway Board issued in exercise of the powers conferred under Section 27 of the Railways Act, 1989 (sic 1890) show that the Central Government had directed that rakes are to be allocated "for transportation of the common salt only to approved iodisation plants for human consumption when sponsored by the Salt Commissioner under the Zonal Scheme and approved by the Railways".

6. In our view, the Scheme and the proceedings of the Railway Board above-mentioned give adequate power to the authorities to meet the situation for 1999 and also in the successive years depending upon the changing needs. The matter before us concerns only the year 1997 and the period has expired. In view of the stay granted by this Court on 20-7-1998 as modified on 6-10-1998, the Salt Commissioner was not compelled to implement, the impugned order of the High Court dated 9-2-1998. These appeals have therefore, practically become infructuous. We do not, therefore, think that any further directions are necessary from this Court. The entire question is open to all the affected parties. The Salt Commissioner, the State of Tripura and the Railways will take all facts into consideration for 1999 and in future years and implement the Zonal Scheme in its proper spirit in the light of the orders of the Railway Board dated 24-8-1993. This Court need not give any guidelines. The appeals are disposed of as having become infructuous, subject to the above directions. There will be no order as to costs.