

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CONTEMPT PETITION (C) NO. 185 OF 2006 in CIVIL APPEAL NO.1651/2006

STATE OF U.P. & ANR. Petitioner(s)

VERSUS

VENUS SUGAR LTD. Respondent(s)

(With appln(s) for exemption from filing O.T. and office report)

WITH

SLP(C) NO. 2538 of 2007

(With appln. for c/delay in filing SLP and office report)

Date: 17/08/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s) Mr. S.B. Upadhyay, Sr.Adv.
Mr. G. Venketeswara Rao, Adv.
Mr. S.W.A. Qadri, adv.
Mr. Kamendra Mishra, Adv.

For Respondent(s) Mr. Sudhir Chandra, Sr.Adv.
Mr. Parijat Sinha, Adv.
Mr. S.C. Ghosh, Adv.
Mr. Soumitra Ghose Chaudhuri, Adv.
Ms. Reshmi Rea Sinha, Adv.
Mr. Snehasish Mkhherjee, Adv.

UPON hearing counsel the Court made the following
ORDER

S.L.P.(C) No. 2358/2007:

Delay in filing SLP is condoned.

The contention of the petitioner inter alia is that whereas sugarcane measuring 39.52 lakhs quintal was purchased by them from nine cane growers wherefor a sum of Rs.2969.40 lakhs has been paid. It is the further contention of the petitioner that they had made payments in the year 2002-2003 for a sum of Rs. 2969.40 lakhs towards the purchase of the said quantity of sugarcane, at the rate of Rs.79.24 per quintal plus Rs.4 by way of Statutory Minimum Price (SMP).

-2-

The petitioner also contends that they have furthermore paid a sum of Rs. 491.36 lakhs towards the SMP incentive and premium during the aforesaid period.

On the other hand, the State in its counter affidavit contended:

"It is submitted that till date the petitioner has not made the entire differential cane price payment for the crushing

season 2002-2003 and still Rs.303.92 lacs is payable by the Mill to the cane growers. It is submitted that Rs.622.84 lacs was payable towards the differential amount (SMP and SAP), the petitioner has paid only Rs.318.92 lacs. It is submitted that despite of the knowledge of the judgment of this Hon'ble Court dated 6.3.2006, the petitioner has deliberately and willfully did not make the payment and as such the petitioner has committed a serious contempt of this Hon'ble Court."

As there appears to be some dispute with regard to the differential cane price paid by the petitioner to the cane growers, we are of the opinion that, at the outset, the Cane Commissioner may file a report before us in this regard. The petitioner shall produce all proof of payments made by them, before the Cane Commissioner within four weeks from date.

We make it clear that the question as to whether the amount, which has been paid by the petitioner to the cane growers by way of incentive or premium, will be adjusted towards the payments made by way of SAP, shall be considered by this Court.

List the matters after six weeks.

(A.S. BISHT)
COURT MASTER

(PUSHAP LATA BHARDWAJ)
COURT MASTER