

ITEM NO.111

COURT NO.3

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7508 OF 2005

WEST U.P. SUGAR MILLS ASSOCIATION & ORS.

Appellant (s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(With application for appeal against Registrar's order)

WITH

Civil Appeal NO. 7509-7510 of 2005

[BASTI SUGAR MILLS CO. LTD. V. STATE OF U.P. & ORS.]

(With application for impleading party)

Civil Appeal NO. 150 of 2007

[WEST U.P. SUGAR MILLS ASSN. & ORS.]

Civil Appeal NO. 2664 of 2007

[BAJAJ HINDUSTAN LTD. V. STATE OF U.P. & ORS.]

(With office report)

Civil Appeal NO. 4026 of 2009

[KISAN MAZDOOR SANGATHAN V. BASTI SUGAR MILLS CO. LTD. & ORS.]

(With prayer for interim relief office report)

Civil Appeal NO. 4024 of 2009

[COOP. CANE DEVT. UNION LTD. V. BASTI SUGAR MILLS CO. LTD. & ORS.]

(With prayer for interim relief and office report)

Civil Appeal NO. 4025 of 2009

[SHAHKARI GANNA VIKAS SAMITI LIMITED V. BASTI SUGAR MILLS CO. LTD. & ORS.]

Civil Appeal NOS. 4014-4023 of 2009

[STATE OF U.P. & ANR. V. BASTI SUGAR MILLS CO. LTD. & ORS.]

(With application for clarification/modification of court's order, prayer for interim relief and office report)

CONMT. PET.(C) NO. 169 of 2006 in C.A. No.7508/2005

[STATE OF U.P. & ANR. V. S.K. KANORIA & ORS.]

(With office report)

CA NO. 7508 of 2005

2

CONMT. PET.(C) NO. 253 of 2007 in C.A. No.7508/2005

[U.P. CANE UNION FEDERATION LTD. V. S.K. KANORIA & ANR.]

....2/-

CONMT. PET.(C) NO. 254 of 2007 in C.A. No.7508/2005

[U.P. CANE UNION FEDERATION LTD. V. SATYAJEET SINGH MAJITHIA & ANR.]

Civil Appeal NOS. 3911-3912 of 2009

[TIKAULA SUGAR MILLS LTD. & ORS. V. STATE OF U.P. & ORS.]

(With Application for directions and with office report)

Civil Appeal NO. 3925 of 2009
[BAJA HINDUSTHAN LTD. & ANR. V. STATE OF U.P. & ORS.]
(With office report)

Civil Appeal NOS. 3996-3997 of 2009
[M/S UTTAM SUGAR MILLS LTD. & ORS. V. STATE OF UTTARKHAND &
ORS.]
(With prayer for interim relief and office report)

CONMT.PET.(C) NOS.263-264 of 2008 in C.A. Nos.3996-3997/2009
[[COOP. CANE DEV. UNION, UTTARAKHAND V. RAJ KUMAR ADLAKHA &
ANR.]

CONMT.PET.(C) NOS.265-266 of 2008 in C.A. Nos.3996-3997/2009
[[COOP. CANE DEV. UNION. UTTARAKHAND V. MANMOHAN SHARMA]

CONMT.PET.(C) NOS.267-268 of 2008 in C.A. Nos.3996-3997/2009
[COOP. CANE DEV. UNION, HARIDWAR, UTTARAKHAND V S.M. MITTAL &
ANR.]

Civil Appeal NO. 4764 of 2009
[WEST U.P. SUGAR MILLS ASSN. & ORS. V. STATE OF U.P. & ORS.]
(With office report)

SLP(C) NO. 21576-21581 of 2008
[U.P. CO-OPERATIVE CANE UNION FEDERATION V. BASTI SUGAR MILLS
CO. LTD. & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 21585-21587 of 2008
[STATE OF U.P. & ANR. V. BASTI SUGAR MILLS CO. LTD. & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 18681 of 2008
[[EAST U.P. SUGAR MILLS ASSOCIATION & ORS. V. STATE OF U.P. &
ORS.]
(With Appln(s) for permission to file additional documents, with
prayer for interim relief and office report)
CA NO. 7508 of 2005

3

SLP(C) NO. 19183 of 2008
[M/S. MAWANA SUGARS LTD. V. STATE OF U.P. & ORS.]
(With prayer for interim relief)

....3/-

SLP(C) NO. 20205 of 2008
[MODI SUGAR MILLS & ANR. V. STATE OF U.P. & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 20206 of 2008
[M/S SBEC SUGAR LIMITED & ANR. V. STATE OF U.P. & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 23202 of 2008
[KISAN MAZDOOR SANGATHAN V. BASTI SUGAR MILLS CO. LTD. & ANR.]

SLP(C) NO. 26026 of 2008
[UTTAM SUGAR MILLS LIMITED & ANR. V. STATE OF UTTARKHAND & ORS.]
(With office report)

Date: 15/11/2011 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE DIPAK MISRA

For appellants/petitioners :

in CA 7508, Mr. Mukul Rohtagi, Sr. Adv.
 Mr. Sudhir Chandra, Sr. Adv.
 Mr. Jayant Bhushan, Sr. Adv.
 Ms. Indu Malhotra, Sr. Adv.
 (np ON 15.11.2011)
 Mr. Mahesh Agarwal, Adv.
 Mr. Narinder Kumar Verma, Adv.
 Mr. Gaurav Goel, Adv.
 Mr. Kush Chaturvedi, Adv.
 Mr. J.K. Sethi, Adv.
 Mr. Vikas Mehta, Adv.

In CA 7509-7510 Mr. Sudhir Chandra, Sr. Adv.
 Mr. Parijat Sinha, Adv.

In CA 150, 3911-12,
CA NO. 7508 of 2005

4

SC 18681 Mr. Mahesh Agarwal, Adv.
 Mr. Narinder Kumar Verma, Adv.
 Mr. Gaurav Goel, Adv.
 Mr. Kush Chaturvedi, Adv.
 Mr. J.K. Sethi, Adv.
 Mr. Vikas Mehta, Adv.

In CA 2664 Mr. Sudhir Chandra, Sr. Adv.
 Mr. Rajesh Tiwari, Adv.
 Mr. Sanjeev K. Singh, Adv.
 Mr. Uday Singh, Adv.

....4/-

Ms. Ruby Singh Ahuja, Adv.
Mr. Abeer Kumar, Adv.
Mr. Ishan Gaur, Adv.
Mr. J.K. Sethi, Adv.
Mr. Bhagwati Prasad Padhy, Adv.
For M/s. Karanjawala & Co., Advs.

In CA 4026, SC 23202 Mr. V.M. Singh, in person

In CA 4024 & 4025 Mr. Prashant Kumar, Adv.
 Mr. Anurag Sharma, Adv.
 For M/s. AJ &J Chambers, Advs.

In CA 3925 Mr. Mukul Rohtagi, Sr. Adv.
 Mr. Sudhir Chandra, Sr. Adv.
 Mr. Rajiv Dutta, Sr. Adv.
 Mr. Syed Shahid Hussain Rizvi, Adv.

In CA 3996-97, SC 26026 Mr. J.K. Sethi, Adv.
 Ms. Manik Karanjawala, Adv.

In CA 4764 Mr. E.C. Agrawala, Adv.

In SLP 21576-81

Mr. Vishwajit Singh, Adv.

In SLP 19183

Mr. Praveen Kumar, Adv.

In SC 20205 & 20206

Mr. Umesh Kumar Khaitan, Adv.
Ms. Kritika Mehra, Adv.
Ms. Bhumika Manan, Adv.

CA NO. 7508 of 2005

5

In CP 253, 254

Mr. Vishnu Sharma, Adv.

In CP 263-264,

Mr. J.K. Sethi, Adv.

265-266 & 267-268

Mr. P.N. Gupta, Adv.

For Respondent (s)

For Rrs 1 & 2 in CA 4026,

RR 1 in CA 4024, RR 1-2

in CA 4025

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Sudhir Chandra, Sr. Adv.
Mr. Rajiv Dutta, Sr. Adv.
Mr. Rajesh Tiwari, Adv.

....5/-

Mr. Sanjeev K. Singh, Adv.
Mr. Uday Singh, Adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Abeer Kumar, Adv.
Mr. Ishan Gaur, Adv.
Mr. J.K. Sethi, Adv.
Mr. Bhagwati Prasad Padhy, Adv.
For M/S. Karanjawala & Co., Adv.

For UOI

Mr. P.P. Malhotra, ASG
Mr. J.S. Attri, Sr. Adv.
Ms. Indira Sawhney, Adv.
Mr. Gaurav Sharma, Adv.
Ms. Binu Tamta, Adv.
Ms. Sushma Suri, Adv.
Ms. Anil Katiyar, Adv.
For Mr. V.K. Verma, Adv.

For Federation

Mr. Ashok H. Desai, Sr. Adv.
Mr. Ravi P. Mehrotra, Adv.
Mr. Vibhu Tiwari, Adv.
Mr. Shantanu Krishna, Adv.

For State of UP

Mr. M.L. Verma, Sr. Adv.
(in CA 4014-23, SC 18681 & 21585-87)
Dr. Rajeev Dhawan, Sr. Adv.
(in Rest of the matters)
Mr. Ravi P. Mehrotra, Adv.
Mr. Shail Kumar Dwivedi, AAG
Mr. Vibhu Tiwari, Adv.
Mr. Mukesh Verma, Adv.
Ms. Vandana Mishra, Adv.

For State of Uttarakhand

CA NO. 7508 of 2005

6

Mr. S.S. Shamsbery, Adv.
Mr. Jatinder Kumar Bhatia, Adv.
Mr. Abhishek Attrey, Adv.

For RR 3 in CA 7508

Mr. Prashant Kumar, Adv.

For RR 1 & 2 in CA 7509-10,
For RR 2 in CA 150

Mr. Vishnu Sharma, Adv.

For RR in CA 7509-10 &
RR 2 in CA 2664

Mr. Prashant Kumar, Adv.
Mr. Anurag Sharma, Adv.
For M/s AP & J Chambers, Adv.

For RR 13 in CA 2664

Ms. V.D. Khanna, Adv.

.....6/-

For RR in 4014-23,
For RR 1 In CA 4017 & 4018

Mr. Umesh Kumar Khaitan, Adv.
Ms. Kritika Mehra, Adv.
Ms. Bhumika Manan, Adv.
Mr. Parvesh Sharma, Adv.

For RR 7 in CA 4014-23

Mr. Bimal Roy Jad, Adv.
Mr. Rajeev K. Bharti, Adv

For RR 2 in CA 3925

Mr. J.K. Sethi, Adv.
Mr. P.N. Gupta, Adv.

For RR 5 in SC 18681,
in CA 3996-97, CA 4764
RR 4 in Ca 4014 & 4015

Mr. Manvendra Verma, Adv.
Mr. Vishwajit Singh, Adv.

In SLP 21576-81,
21585-87, 23202,

Mr. Rajesh Tiwari, Adv.
Mr. Sanjeev K. Singh, Adv.
Mr. Uday Singh, Adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Abeer Kumar, Adv.
Mr. Ishan Gaur, Adv.
Mr. J.K. Sethi, Adv.
Mr. Bhagwati Prasad Padhy, Adv.

CA NO. 7508 of 2005

7

Ms. Manik Karanjawala, Adv.

In CA 4014-4023
RR 1 in CA 4015

Mr. Mukul Rohtagi, Sr. Adv.
Mr. Sudhir Chandra, Sr. Adv.
Mr. Rajiv Dutta, Sr. Adv.
Mr. Syed Shahid Hussain Rizvi, Adv.

For RR 2 in CA 4015

Mr. K.R. Sasiprabhu, Adv.

For RR 2 in CA 4014,

RR 1-5, 6-11 & 13-15
in CA 4016, For Rrs
1-7, 9-11 in
CA 4023

Mr. Mukul Rohtagi, Sr. Adv.
Mr. Sudhir Chandra, Sr. Adv.
Mr. Rajiv Dutta, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Narinder Kumar Verma, Adv.
Mr. Gaurav Goel, Adv.
Mr. Kush Chaturvedi, Adv.
Mr. Vikas Mehta, Adv.

.....7/-

For Rrs 12 & 16 in
CA 4016

Mr. J.K. Sethi, Adv.
Mr. Punit D. Tyagi, Adv.

For RR 3 in Ca 4017 & 4018

Mr. Vishnu Sharma, Adv.

For RR 8 in CA
4023

Mr. Sidharth Chowdhary, Adv.

Mr. J.K. Sethi, Adv.
Ms. Bina Gupta, Adv.

Mr. Pradeep Mishra, Adv.

Mr. Gunnam Venkateswara Rao, Adv.

Mr. Ajay Kumar Talesara, Adv.

Mr. T. Mahipal, Adv.

Mr. Ritesh Agrawal, Adv.

Mr. Ajay Choudhary, Adv.

CA NO. 7508 of 2005

8

Mr. Ambhoj Kumar Sinha, Adv.

UPON hearing counsel the Court made the following
O R D E R

Mr. V.M. Singh, appearing in person resumed
his submissions at 10:35 a.m. and concluded at
12:45 p.m. Thereafter Mr. Sudhir Chandra learned
Senior Counsel commenced his arguments and was on
his legs when the Court rose for the day leaving
the matters part-heard.

[KALYANI GUPTA]
COURT MASTER

[A.S. BISHT]
COURT MASTER

[INDU SATIJA]
COURT MASTER

=====

ITEM NO.101

COURT NO.3

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7508 OF 2005

WEST U.P. SUGAR MILLS ASSOCIATION & ORS.

Appellant (s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(With application for appeal against Registrar's order)
WITH
ALL CONNECTED MATTERS AS LISTED ON 15TH NOVEMBER, 2011

Date: 16/11/2011 These Appeals/Petitions were called on for hearing.

CORAM AND APPEARANCE SAME AS ABOVE

UPON hearing counsel the Court made the following
O R D E R

Mr. Sudhir Chandra learned Senior Counsel resumed his submissions at 10:30a.m. and concluded at 3:10p.m. Thereafter Mr. Jayant Bhushan, learned Senior Counsel made his submission and concluded at 4:00 p.m.

The matters remained part-heard.

[KALYANI GUPTA]
COURT MASTER

[A.S. BISHT]
COURT MASTER

[INDU SATIJA]
COURT MASTER

CA NO. 7508 of 2005

CA NO. 7508 of 2005

ITEM NO.101

COURT NO.3

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 7508 OF 2005

WEST U.P. SUGAR MILLS ASSOCIATION & ORS.

Appellant (s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(With application for appeal against Registrar's order)
WITH
ALL CONNECTED MATTERS AS LISTED ON 15TH NOVEMBER, 2011

Date: 17/11/2011 These Appeals/Petitions were called on for hearing.

CORAM AND APPEARANCE SAME AS ABOVE

UPON hearing counsel the Court made the following
O R D E R

Mr. Ashok Desai, learned Senior Counsel for
the Federation resumed his submissions at 10:30
a.m. and concluded at 11:50 a.m. Thereafter Mr.
Sudhir Chandra, appearing for Basti Sugar Mills
made his submissions till 12:55 p.m. Then Mr.
M.L. Verma, learned Senior Counsel appearing for
the State of Uttar Pradesh in CA No. 4014-23, SLP
18681/2008 and 21585-87/2008 placed his
contentions before the Court till 02:30 p.m.
CA NO. 7508 of 2005

12

....10/-

Dr. Rajeev Dhawan and Mr. M.L. Verma, learned
Senior Counsel appearing on behalf of the State
of Uttar Pradesh, on instructions, submit that
the sugarcane outstanding dues for the crushing
season 2007-2008 by the Sugar Mills owned by the
Uttar Pradesh State Sugar Corporation and the
Uttar Pradesh Cooperative Sugar Mills Federation

would be made available by the State to the Uttar Pradesh State Sugar Corporation and the Uttar Pradesh Cooperative Sugar Mills Federation within four weeks from today and they in turn would distribute the same to the concerned Cooperative Societies or to the cane growers.

Dr. Rajeev Dhawan, learned Senior Counsel appearing for the State of Uttar Pradesh commenced his arguments at 2:35 p.m. and was on his legs when the Court rose for the day leaving the matters part heard.

[KALYANI GUPTA]
COURT MASTER

[A.S. BISHT]
COURT MASTER

[INDU SATIJA]
COURT MASTER