

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).18681/2008

(From the judgement and order dated 07/07/2008 in CMWP No. 8548/2007
of The HIGH COURT OF JUDICATURE AT ALLAHABAD BENCH AT LUCKNOW)

EAST U.P.SUGAR MILLS ASSOCIATION & ORS.

Petitioner(s)

VERSUS

STATE OF U.P.& ORS.

Respondent(s)

(With appln(s) for permission to file additional documents and
with prayer for interim relief and office report)

WITH SLP(C) NO. 19183 of 2008(With prayer for interim relief)
SLP(C) NO. 20205 of 2008

(with appln. for exem. from filing c/c of the impugned judgment
and with prayer for interim relief and office report)

SLP(C) NO. 20206 of 2008

(with appln. for exem. from filing c/c of the impugned judgment
and with prayer for interim relief and office report)

SLP(C) No. 21576-21581/2008

(with prayer for interim relief and office report)

SLP(C) No. 21585-21587/2008

(with appln. for exem. from filing O.T. and with prayer for interim
relief and office report)

SLP(C)_____/2008 (CC. 12610)

(With Appln. (s) for permission to file SLP and Office Report)

Date: 08/09/2008 These Petitions were called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT

HON'BLE MR. JUSTICE HARJIT SINGH BEDI

For Petitioner(s) in SLP(C) 18681/08	Mr. Harish N. Salve, Sr. Adv. Mr. Mukul Rohtagi, Sr. Adv. Ms. Indu Malhotra, Sr. Adv. Ms. Sunita Ojha, Adv. Mr. Ankur Chawla, adv. Mr. Jayant Mohan, adv. Mr. Vikas Mehta, Adv.
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SLP(C)18681/08 contd.

in SLP(C) 19183/08	Mr. C.S. Vaidyanathan, Sr. adv. Mr. Praveen Kumar, Adv.
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in SLP(C) 20205/08 & 20206/08	Mr. Jayant Bhushan, Sr. adv. Mr. Ashu Kansal, Adv. Mr. Abhishek Verma, Adv. Mr. Umesh Kumar Khaitan, Adv.
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in SLP(C)_____/08 (CC.12610/08)	In-person
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in SLP(C) 21576-81/08	Mr. Vishwajit Singh, Adv. Mr. Ravindra Kumar, Adv. Mr. Ritesh Agrawal, adv. Mr. Siddharth Sagar, Adv.
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For Respondent(s)
State of U.P.

Mr. Viplav Sharma, Adv.
Mr. Garvesh Kabra, Adv.
Mr. Ravi Prakash Mehrotra, Adv.

Caveator-In-Person

Mr. Vishwajit Singh, Adv.
Mr. Ravindra Kumar, Adv.
Mr. Ritesh Agrawal, adv.
Mr. Siddharth Sagar, Adv.

Mr. Manvendra Verma, Adv.
Mr. Ambhoj Kumar Sinha, Adv.

in SLP(C) 21576-81/08
and 21585-87/08

Mr. Arun Jaitley, Sr. adv.
Mr. Mukul Rohatgi, Sr. adv.
Mr. L. Nageshwar Rao, Sr. adv.
Mr. Sanjeev Kumar, Adv.
Mr. Uday, adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Manu Aggarwal, adv.
Mr. Abeer Kumar, Adv.
Mr. Jai Singh Brar, Adv.
Mrs. Manik Karanjawala, adv.

UPON hearing counsel the Court made the following
ORDER

Heard.

Permission to file special leave petition is granted in
SLP(C)_____/2008 (CC 12610).

....3/-

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SLP(C) 18681/08 contd..

Issue notice in all these special leave petition.

Reply by the respective opposite parties shall be filed within
four weeks. Rejoinder, if any, may be filed within four weeks
thereafter. Call these matters after eight weeks.

Heard learned counsel for the parties and Mr. V.M. Singh,
petitioner appearing in person, in SLP(C) No._____/2008 (CC
12610) on the prayer for grant of interim relief.

It appears that for the Crushing Season 2006-07 following
rates were fixed :-

Decline	General	Early
Rs. 115/-	Rs. 118/-	Rs.123/-

For the Crushing Season 2007-08 there are two judgments,
which form subject matter of challenge in these petitions, i.e., one
passed by the Lucknow Bench and the other by the Allahabad Bench
of the High Court of Judicature at Allahabad. We are baffled that
the Allahabad Bench referred to the judgment of the Lucknow Bench

but took a diametrically opposite view. Judicial discipline required that if a different view was to be taken, the matter should have been referred to a Larger Bench. For reasons best known to the Bench, such a course was not adopted.

....4/-

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SLP(C) 18681/08 contd..

So far as the payment of the charges for Crushing Season 2006-07, 2007-08 are concerned the following directions are given :-

- (i) For the Crushing Season 2006-07 the payment at the rates indicated above, i.e., Rs. 115, 118 and 123 shall be the rates.
- (ii) So far as the Crushing Season 2007-08 is concerned the rate shall be Rs.110/-, but no deduction for transport charges shall be claimed or adjusted.

It is brought to our notice that large sums even on the basis of the aforesaid rates remain to be paid by the State owned Corporations, Cooperative Sugar Mills and the privately set up sugar Mills. The deficit amount, if any, shall be paid by the concerned mills within a period of four weeks from today. If any excess payment has been made, there shall not be any claim for refund.

The arrangement as indicated above shall be an interim arrangement.

(Ajay Kr. Jain)
Court Master

(Shashi Bala Vij)
Court Master