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T.P.(C) No. 174-178 OF 2003

ITEM No.25

Court No. 4

SECTION XVIA

A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition.(Civil) No.174-178/2003

SECRETARY, M/O C.A.,F.&P.D. & ORS.

Petitioner (s)

VERSUS

SOUGH INDIAN SUGAR MILLS ASSON. & ORS.
(With prayer for stay and & amendment)

Respondent (s)

Date : 22/03/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)Mr. Soli J Sorajbee, AG
Mr. Manish Singhvi, Adv. for
Mr. Maninder Singh,Adv.

For Respondent (s)Mr. Gopal Subramaniam, Sr. Adv.
Ms. Indu Malhotra,Adv.
Mr. Dheeraj Nair, Adv.
Ms. V Deepa, Adv.

Mr. S Parvat Rao, Sr. Adv.
Mr. Y. Raja Gopala Rao.,Adv.
Ms. Sasmita Tripathy, Adv.

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

Transfer petitions are allowed in terms of the signed order and the CWP No.2091 of 2003 entitled Indian Sugar Mills Association (Tamil Nadu) vs. The Secretary, Ministry of Consumer Affairs , Food and Public Distribution & Ors. pending before the Chennai High Court, CWP No.897 of 2003 entitled U.P. Sugar Mills Association vs. Union of India & Ors. pending before the Delhi High Court and CWP Nos.3469-71 of 2003 (GM) entitled The Sough Indian Sugr Mills Association (Karnataka) and others vs. Union of India & Ors. pending before the Karnataka High Court at Bangalore are withdrawn and shall stand transferred to this Court for further course of hearing and disposal, in accordance with law on merits by this Court itself.

(D.L.Chugh) (Janki Bhatia)
AR-cum-PS Court Master
Signed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.174-178 OF 2003

SECRETARY, M/O C.A., F. & P.D. & ORS.Petitioner(s)

versus

SOUGH INDIAN SUGAR MILLS ASSON. & ORS. Respondent(s)

O R D E R

Heard learned Attorney General for India appearing for the petitioners and learned senior counsel Shri Gopal Subramamium, and Ms. Indu Malhotra and others appearing for the respondents. The challenge in the various writ petitions filed before the different High Courts relate to the notification issued by the Government of India dated 9.1.2003, in exercise of its powers under Sugarcane (Control) Order which in turn was passed under the Essential Commodities Act, 1955. Under the impugned notification sugarcane prices to be paid by the sugar mills to the farmers/sugarcane growers came to be revised and the statutory minimum price came to be enhanced by Rs.5/- per quintal and the same was made applicable to all the States in the country. The respondents who entered appearance on service of notice, oppose the claim for transfer for the reasons, the grounds of challenge are dissimilar and peculiar to the respective and concerned States and really relate to the circumstances prevailing therein. We have carefully considered the submissions of the learned counsel on either side.

We are convinced that having regard to the nature of issues involved which are substantially similar, the importance of it being affecting poor agriculturist cane growers all over the country to give quietus to the challenge once and for all in order to avoid grave hardship to such agriculturist cane growers on large scale. Public interest also would require and be satisfied by doing so. Consequently these are fit and proper cases to be heard by this Court, the transfer petitions are accordingly allowed and CWP No.2091 of 2003 entitled Indian Sugar Mills Association (Tamil Nadu) vs. The Secretary, Ministry of Consumer Affairs, Food and Public Distribution & Ors. pending before the Chennai High Court, CWP No.897 of 2003 entitled U.P. Sugar Mills Association vs. Union of India & Ors. pending before the Delhi High Court and CWP Nos. 3469-71 of 2003 (GM) entitled The Sough Indian Sugr Mills Association (Karnataka) and others vs. Union of India & Ors. pending before the Karnataka High Court at Bangalore are withdrawn and shall stand transferred to this Court for further course of hearing and disposal, in accordance with law on merits by this Court itself.

.....J.
(DORAISWAMY RAJU)

.....J.
(ARIJIT PASAYAT)
New Delhi,
MARCH 22, 2004