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SLP(C)No. 18579 OF 1997

ITEM No.4

Court No. 6

SECTION XIIA
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.18579/1997

(From the judgement and order dated 22/01/1997 in WP 22295/94
of The HIGH COURT OF A.P AT HYDRABAD)

STATE OF A.P. & ANR.

Petitioner (s)

VERSUS

M/S. KARNATAKAM V.SUBBAIAH SETTY SONS.

Respondent (s)

(With Office Report)
(For Final Disposal)

With

SLP(C)No.10073/1999,SLP(C)No.10970-10972/1999,SLP(C)No.13387-13394/1999,@@
CC
SLP(C)No.15660/1999,SLP(C)No.18493-18503/1998,SLP(C)No.6200-6202/1998,@@
CC
SLP(C)No.7518-7538/1998@@
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(With appln. for delay in filing SLP)
(With office report) (With prayer for interim relief)
(For Final Disposal)

Date : 19/07/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.N. KHARE
HON'BLE MRS. JUSTICE RUMA PAL

For the State Ms. K Amereshwari, Sr.adv.
Mr. TV Ratnam, adv.
Mr. K Subba Rao, adv.

For Market Committee Mr. K Ram Kumar, adv.
Mr. B Sridhar, adv.

For Petitioner (s)
in SLP 6200-02 and res. Mr. TN Rao, adv.
in SLP 7518-38/98 Mr. SUK Sagar, adv.

in SLP 10073 & 10870-
72/99 Mr. Y Raja Gopala Rao, adv.

in SLP 13387-94 and
15660/99 Mr. Roy Abraham, adv.
for Mr. MP Vinod, adv.

For Respondent (s)
in SLP 18579/97 and
7518-38/98 Mr. TN Rao, adv.
for Mr. P.P. Singh,adv.

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

SLP (C) Nos. 18579/97, 7518-38 and 18493-503/98:@@
CC

Delay condoned.

We are in agreement with the High Court that unless the rate is provided in the bye-law, it is not open to the Market Committee to charge fee on the sale and purchase of the notified goods. We, therefore, dismiss these petitions.

SLP (C) Nos.6200-02/98, 10073, 10970-72, 13387-94~@@
CC
and 15660/99:@@
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Delay condoned.

Leave granted.

The appeals are allowed. There shall be no order as to costs.

(Alka Dudeja)
Court Master

(S. Krishnan)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 4387-89 OF 2001@@
CC
(Arising out of SLP (C) Nos. 6200-6202/98)

Chodavaram Coop. Sugars Ltd. ... Appellant

Vs.

State of A.P. and Ors. ... Respondents

With C.A. Nos. 4390, 4391-93, 4394-4401 and 4402/2001@@
CC
@ SLP (C) Nos. 10073, 10970-72,13387-94 & 15660/99@@
CC

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O R D E R@@
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Leave granted.

In this group of appeals, the question involved is whether the respondent - Market Committee is entitled to levy fee on the sale and purchase of sugarcane. It is not disputed that this question stands concluded by the decision of the Constitution Bench of this Court in Belsund Sugar Co. Ltd. Vs. State of Bihar and Ors. -@@
CC
1999 (9) SCC 620. Following this decision, these appeals deserve to be allowed. However, the question is what relief can be granted to the appellants?

Learned counsel for the parties agreed that the relief granted in paragraphs 111-113 in Belsund Sugar Co.

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case (supra) may be granted to the appellants herein. In the aforesaid view of the matter, the levy of market fee on the sale and purchase of sugarcane is, therefore, set aside.

The appeals are allowed. The appellants are granted relief in terms of paragraphs 111-113 in the case of Belsund Sugar Co. (supra). There shall be no order as to costs.

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.....J.
(V.N. KHARE)

.....J.
(RUMA PAL)

NEW DELHI
JULY 19, 2001.