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SLP(C)No.9805/1997

ITEM No.1

Court No. 8

SECTION XI
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

IA No 6 In Petition(s) for Special Leave to Appeal (Civil) No.9805/1997

(From the judgment and order dated 5.3.1997 in CMWP 8120/97 of the High Court of Judicature at Allahabad)

DALBIR SINGH Petitioner (s)

VERSUS

CANE COMMNR/REGISTRAR SAHKARI CHINI MILL Respondent (s)

(for directions)

Date : 23/01/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.P. MISRA
HON'BLE MR. JUSTICE U.C. BANERJEE

For Petitioner (s)

Mr. Dinesh Kumar Garg,Adv.

For Respondent (s)

Mrs Rani Chhabra,Adv.

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

.....L.....I.....J.....
.SP2

Heard learned counsel for the parties.

The present application has been moved for direction to respondent No.2 to refund the retained money of the sugar-cane price which has been illegally withheld at the rate of Rs. 3/- per quintal for the years 1996-97 and 1998-1999. This Court has disposed of the aforesaid SLP along with similar application which was moved earlier by its order dated August 27, 1997. This Court has recorded:

.SP1

2.

.....L.....I.....J.....

"In terms therewith it becomes evident that if any monies have been retained mistakenly or otherwise by the Sugar Factory from non members they shall be returned within 15 days on a

demand being made for such return."

It also records:

"It is the case of the respondent that the petitioner herein is a Member and it was on that footing that deductions were made from sum payable to him. This controversy can be resolved in appropriate proceedings before appropriate authorities."

.....L.....I.....J.....
.SP2

It seems that inspite of the said order the applicant has chosen to make a fresh application before this Court in the aforesaid disposed of SLP. In this application further prayer is to direct the respondents to pay interest at 18% on retained money out of sugar-cane price which has been illegally withheld and to declare the alleged resolution dated September 24, 1997 passed by Kissan Sehkari Chini Mill as illegal and inoperative.

We are constraint to further record that the present application is misconceived in a matter which has already been disposed of. This Court, as already recorded above, made it open to the petitioners as well as to the non-members, if they are to advised, to take appropriate proceedings before appropriate court or authority. Of course, we make it clear that the observations never meant making another application before this Court. If that was the intention of the Court it could have decided itself. Hence the present application is misconceived.

3.

However, we make it clear that the matter is still left open to the applicant/petitioner to move the appropriate Court or authority as advised in accordance with law and any observations made by this Court in the present order or dismissal of this application is without prejudice to his contentions. With these observations the application is dismissed.

.SP1

(V.P. Tyagi)
Court Master

(Manju Sharma)
AR-cum-PS