

ITEM NO.35

COURT NO.6

SECTION III

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

CC 6517/2013

Petition(s) for Special Leave to Appeal (Civil)...../2013

(From the judgement and order dated 08/09/2011 in WP No.974/1997 of the
HIGH COURT OF JUDICATURE AT ALLAHABAD, BENCH AT LUCKNOW)

STATE OF U.P. & ORS.

Petitioner(s)

VERSUS

SIR SHADILAL ENTERPRISES & ANR.

Respondent(s)

(With appln(s) for c/delay in filing SLP and office report)

Date: 01/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. DATTU

HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Petitioner(s) Mr. Ardhendumauli Kumar Prasad, Adv.
Mr.R.K.S.Yadav, Adv.

For Respondent(s)

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

Notice on the application for condonation of delay as also on the
Special Leave Petition.

Tag with S.L.P.(C)No.12922/2011 etc.

List for final disposal on a non miscellaneous day. Pleadings
shall be exchanged within eight weeks. Additional documents, if any, may
be filed within the same time.

: 2 :

Interim relief as prayed for in the petition is declined.
However, all the respondent-sugar mills shall continue to maintain a
complete account of molasses transferred to their own distillery for
captive use and shall file affidavits in this Court undertaking to make
payment of the entire amount as may be due to the State, in case they fail
in these petitions. The requisite undertaking shall be filed within four
weeks from today. The amount so due by the sugar mills shall be paid within
30 days from the date of decision in this/these petition(s) along with
interest at the rate as may be directed by this Court.

We further clarify that it will be open to the State to continue
to raise demands against the sugar mills towards administrative charges for

the period when the writ petitions were pending in the High Court as well as for the future period till this petition is/are disposed of and communicate the same to the Mill concerned. However, no coercive steps shall be taken to recover these amounts.

Further direction with regard to refund of any amount pursuant to the impugned judgment shall also remain stayed. It goes without saying that if the State fails in this/these petition(s), it may also be liable to pay interest on the refunds as may be directed by this Court.

(G.V.Ramana)
Court Master

(Vinod Kulvi)
Asstt.Registrar