

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

Petition for Special Leave to Appeal (Civil) No.28985/2011

(From the judgment and order dated 20/05/2011 in WP No.491/2004
of The HIGH COURT OF ALLAHABAD AT LUCKNOW)

STATE OF U.P. & ORS.

Petitioner(s)

VERSUS

BALRAMPUR CHINI MILLS LTD. & ANR.

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

WITH SLP(C) NO. 28990 of 2011

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29152 of 2011

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29153 of 2011

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29177 of 2011

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29176 of 2011

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29178 of 2011

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29180 of 2011

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29184 of 2011

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29199 of 2011

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

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SLP(C) NO. 29233 of 2011

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29329 of 2011

(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29339 of 2011
(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29343 of 2011
(With appln(s) for exemption from filing c/c of the impugned
Judgment and office report)

SLP(C) NO. 29344 of 2011
(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29424 of 2011
(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29478 of 2011
(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29480 of 2011
(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29492 of 2011
(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

SLP(C) NO. 29498 of 2011
(With appln(s) for exemption from filing c/c of the impugned
Judgment and with prayer for interim relief and office report)

Date: 08/11/2011 These Petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. Ravi Prakash Mehrotra, Adv.
 Mr. Mukesh Verma, Adv.
 Ms. Vibhu Tiwari, Adv.

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For Respondent(s)

Mr. Manish K.Bishnoi, Adv.
Mr. Narinder Kr. Verma, Adv.

Mr. Sumit Goel, Adv.
Mr. Kr. Shashank, Adv.
Ms. Nupur Sharma, Adv.
for M/S. Parekh & Co.

Mr. Rajiv Dutta, Sr. Adv.
Mr. Sanjeev Kr. Singh, Adv.
Mr. Uday Singh, Adv.
Mrs. Manik Karanjawala, Adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Abeer Kumar, Adv.
Mr. Ishan Gaur, Adv.
Mr. Rajesh Tewari, Adv.
for M/s Karanjawala & Co.

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

Issue notice.

Some of the respondents have entered appearance through their counsel by filing caveats.

Counsel appearing for the caveators accept notice and seek time to file counter affidavits.

Let counter affidavits on behalf of respondents

be filed within four weeks. Rejoinder affidavit, if necessary, may be filed within four weeks thereafter. Additional documents, if any, may be filed within the same time.

...4/-

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Notice shall issue to the unrepresented respondents. Dasti, in addition, is permitted.

Interim relief as prayed for in the petitions 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 these petitions 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 these petitions are disposed of and communicate the same to the Mill concerned. However, no coercive steps shall be taken to recover these amounts.

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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 these petitions, it may also be liable to pay interest on the refunds as may be directed by this Court.

Tag with Special Leave Petition (Civil)

No. 12922 of 2011.

(VINOD LAKHINA)
Court Master

(KUSUM GULATI)
Court Master