

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(s).12922/2011

(From the judgement and order dated 17/03/2011 in WP No.11959/2009 of The HIGH COURT OF U.P AT LUCKNOW)

STATE OF U.P. & ANR.

Petitioner(s)

VERSUS

M/S.TRIVENI ENGG.&INDS. LTD & ANR.

Respondent(s)

(With prayer for interim relief and office report)

WITH

- SLP(C) NO. 13874 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 13913 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 13646 of 2011 (With appln. for exemption from filing O.T. and with prayer for interim relief and office report)
SLP(C) NO. 13962 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 13964 of 2011 (With appln. for exemption from filing O.T. and with prayer for interim relief and office report)
SLP(C) NO. 13975 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 14600 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 14655 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 14673 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 14358 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 14500 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 14602 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 14309 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 14589 of 2011 (With prayer for interim relief and office report)

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- SLP(C) NO. 14664 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 14921 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 14562 of 2011 (With prayer for interim relief and office report)
SLP(C) NO. 14970 of 2011 (With prayer for interim relief and office report)

Date: 30/09/2011 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. Gopal Subramanian, Sr. Adv.
Mr. Dinesh Dwivedi, Sr. Adv.

Mr. Ravi Prakash Mehrotra, Adv.
Mr. Vibhu Tiwari, Adv.
Mr. Prateek Dwivedi, Adv.
Mr. Abhishek K Singh, Adv.

For Respondent(s) Mr. Sanjeev Anand, Adv.
In SLPs.12922,14664, Mr. Vikram Singh, Adv.
14921/11

In SLP 13913/11 Mr. Gaurav Bhatia, Adv.
Mr. Jaspreet Bhatia, Adv.
Mr. Pankaj Kumar, Adv.
Mr. Rohit Pandey, Adv.
Mr. Adarsh Upadhyay, Adv.

In SLP 14673/11 Mr. Gaurav Bhatia, Adv.
Mr. Jaspreet Bhatia, Adv.
Mr. Pankaj Kumar, Adv.
Mr. Harshvardhan Jha, Adv.
Mr. Onkar Prasad, Adv.
Mr. Umesh Chaurasia, Adv.

In SLPs 13964,13646/11 Mr. Parijat Sinha, Adv.
Ms. Reshmi Rea Sinha, Adv.
Mr. Anil Kumar Mishra, Adv.
Mr. Vikram Ganguly, Adv.
Mr. S.C. Ghosh, Adv.

In SLP 13975/11 Mr. Rajat Jariwal, Adv.
Mr. Sanjeev K Kapoor, Adv.
for M/s Khaitan & Co., Adv.

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In SLPs 13962,
14970/11 Mr. Manish K Bishnoi, Adv.
Mr. Narinder Kr. Verma, Adv.

In SLPs 14562,
14309/11 Mr. K.K. Venugopal, Sr. Adv.
Mr. Sanjeev Kumar Singh, Adv.
Mr. Uday Kumar, Adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Abeer Kumar, Adv.
for M/s Karanjawala & Co., Adv.

In SLP 14655/11 Mr. Sumit Goel, Adv.
Ms. Rukhmini Bobde, Adv.
Mr. Kumar Shashank, Adv.
for M/s Parekh & Co., Adv.

In SLP 14358 /11 Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Praveen Kumar, Adv.
Mr. Pankaj Bhagat, Adv.

14500/11 Mr. Praveen Kumar, Adv.
Mr. Pankaj Bhagat, Adv.

In SLP 14602/11 Mr. K.K. Mohan, Adv.

In SLP 14589/11 Mr. Dushyant Dave, Sr. Adv.
Mr. Neeha Nagpal, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agarwal, Adv.
Mr. E.C. Agrawala, Adv.
Ms. Neha Agarwal, Adv.

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

List for final disposal on a non miscellaneous day in the month of February, 2012. Pleadings shall be exchanged within eight weeks. Additional documents, if any, may be filed within the same time.

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

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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.

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.

[Charanjeet Kaur]
Court Master

[Kusum Gulati]
Court Master