

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.7508 OF 2005

WEST U.P.SUGAR MILLS ASSOCIATION & ORS. ... APPELLANT(S)

VS.

STATE OF UTTAR PRADESH & ORS. ... RESPONDENT(S)

WITH

CIVIL APPEAL NOS.7509-7510/2005, 150/2007, 2664/2007, 4026/2009, 4014-4023/2009, 4024/2009, 4025/2009, 3911-3912/2009, 3925/2009, 3996-3997/2009, 4764/2009, CONMT.PET(C)NO.169/2006 IN C.A.7508/2005, CONMT.PET(C)NO.254/2007 IN C.A.NO.7508/2005, CONMT.PET(C)NO.253/2007 IN C.A.NO.7508/2005, CONMT.PET(C)NO.263-264/2008 IN C.A.NOS.3996-3997/2009, CONMT.PET(C)NO.267-268/2008 IN C.A.NO.3996-3997/2009, CONMT.PET(C)NOS. 265-266/2008 IN C.A.NO.3996-3997/2009, S.L.P.(CIVIL)NOS.18681/2008, 19183/2008, 20206/2008, 20205/2008, 21576-21581/2008, 21585-21587/2008, 23202/2008, 26026/2008 AND T.C.(C)NO.96/2013

O R D E R

Heard learned counsel for the parties.

These civil appeals/special leave petitions/transfer case were referred to a larger Bench for decision of the following questions of law :

- (1) Whether by virtue of Article 246 read with Schedule VII List III Entry 33 of the Constitution the field is occupied by the Central legislation and hence the Central Government has the exclusive power to fix the price of sugarcane?
- (2) Whether Section 16 or any other provision of the U.P. Sugarcane (Regulation of Supply and Purchase) Act, 1953 confers any power upon the State Government to fix the price at which sugarcane can be bought or sold?
- (3) If the answer to this question is in the affirmative, then whether Section 16 or the said provision of the U.P.

Government to fix the remunerative/advised price at which sugarcane can be bought or sold which shall always be higher than the minimum price fixed by the Central Government;

c. Section 16 of the U.P. Sugarcane (Regulation of Supply and Purchase Act, 1953 is not repugnant to Section 3(2)(c) of the Essential Commodities Act, 1955 and Clause 3 of the Sugarcane (Control) Order, 1966 as, as observed hereinabove, the price which is fixed by the Central Government is the “minimum price” and the price which is fixed by the State Government is the “advised price” which is always higher than the “minimum price” fixed by the Central Government and therefore, there is no conflict. It is only in a case where the “advised price” fixed by the State Government is lower than the “minimum price” fixed by the Central Government, the provisions of the Central enactments will prevail and the “minimum price” fixed by the Central Government would prevail. So long as the “advised price” fixed by the State Government is higher than the “minimum price” fixed by the Central Government, the same cannot be said to be void under Article 254 of the Constitution of India.

d. The view taken by the Constitution Bench of this Court in the case of U.P. Cooperative Cane Unions Federations vs. West U.P. Sugar Mills Association and Others is the correct law.

In terms of the aforesaid judgment of the Constitution Bench, these Civil Appeals/Special Leave Petitions/transfer case are disposed of and the Contempt petitions are closed.

Pending applications, if any, shall also stand disposed of.

.....J.
[S.ABDUL NAZEER]

.....J.
[SANJIV KHANNA]

**New Delhi;
December 9, 2020.**

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

Civil Appeal No(s). 7508/2005

WEST U.P. SUGAR MILLS ASSOCIATION & ORS.

Appellant(s)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

Respondent(s)

WITH

C.A. Nos. 7509-7510/2005, 150/2007, 2664/2007, 4026/2009,
4014-4023/2009, 4024/2009, 4025/2009, 3911-3912/2009, 3925/2009,
3996-3997/2009, 4764/2009

CONMT.PET.(C) No. 169/2006 In C.A. No. 7508/2005

CONMT.PET.(C) No. 254/2007 In C.A. No. 7508/2005

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CONMT.PET.(C) No. 263-264/2008 In C.A. No. 3996-3997/2009

CONMT.PET.(C) No. 267-268/2008 In C.A. No. 3996-3997/2009

CONMT.PET.(C) No. 265-266/2008 In C.A. No. 3996-3997/2009

SLP(C) Nos. 18681/2008, 19183/2008, 20206/2008, 20205/2008,

21576-21581/2008, 21585-21587/2008, 23202/2008, 26026/2008

and T.C.(C) No. 96/2013

Date : 09-12-2020 These matters were called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE SANJIV KHANNA

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

Heard learned counsel for the parties.

The Civil Appeals/Special Leave
Petitions/Transferred Case are disposed of and the
Contempt Petitions are closed in terms of the signed
order.

Pending application, if any, shall also stand
disposed of.

(ANITA MALHOTRA)
COURT MASTER

(KAMLESH RAWAT)
COURT MASTER

(Signed order is placed on the file.)