

ITEM NO.1502

Virtual Court 1

SECTION III-A

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

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. No. 7509-7510/2005 (III-A)

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

C.A. No. 150/2007 (III-A)

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

CONMT.PET.(C) No. 253/2007 In C.A. No. 7508/2005 (III-A)

C.A. No. 2664/2007 (III-A)

C.A. No. 4026/2009 (III-A)

C.A. No. 4014-4023/2009 (III-A)

C.A. No. 4024/2009 (III-A)

C.A. No. 4025/2009 (III-A)

C.A. No. 3911-3912/2009 (III-A)

C.A. No. 3925/2009 (III-A)

C.A. No. 3996-3997/2009 (X)

SLP(C) No. 18681/2008 (XI)

SLP(C) No. 19183/2008 (XI)

SLP(C) No. 20206/2008 (XI)

SLP(C) No. 20205/2008 (XI)

SLP(C) No. 21576-21581/2008 (XI)

SLP(C) No. 21585-21587/2008 (XI)

SLP(C) No. 23202/2008 (XI)

SLP(C) No. 26026/2008 (X)

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

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

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

C.A. No. 4764/2009 (III-A)

T.C.(C) No. 96/2013 (XVI-A)

Date : 22-04-2020 These matters were called on for pronouncement of Judgment today.

Counsel for the parties

Mr. Mahesh Agarwal, Adv.
Mr. Shubham Kulshreshtha, Adv.
Mr. Yojit Mehra, Adv.
Mr. Amartya Bhushan, Adv.
Mr. Narender Kumar Verma, Adv.
Ms. Malvika Kapila, Adv.
Mr. Apoorv Khator, Adv.
Mr. Tushar Bhushan, Adv.
Mr. Amritya Bhushan, Adv.
Ms. Anushree Menon, Adv.
Mr. Mithun S., Adv.
Mr. Vikas Mehta, Adv.
Mr. E. C. Agrawala, Adv.

Mr. Rohit K. Singh, Adv.
Mr. Uday Tiwary, Adv.
Mr. P. N. Razdan, Adv.
Mr. Mirza Kayesh Begg, Adv.
Ms. Saloni Tangri, Adv.
Ms. Anshruta Maheshwari, Adv.

Mr. Navpreet Singh Ahluwalia, Adv.
Mr. Salil Seth, Adv.
Mr. Anuj Dhingra, Adv.
Mr. Neeraj Malik, Adv.
Mr. Umesh Kumar Khaitan, Adv.

Mr. Syed Shahid Husain Rizvi, Adv.
Mr. Sanjeev Kumar Singh, Adv.
Mr. Zeeshan Rizvi, Adv.
Ms. Anas Rizvi, Adv.
Mr. Syed Imtiaz Ali, Adv.

Mr. Piyush Beriwal, Adv.
Mr. Padmesh Mishra, Adv.
Mr. D. L. Chidananda, Adv.
Ms. Binu Tamta, Adv.
Mr. Nikhil Rohatgi, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Amlendu Jha Kumar, Adv.
Mr. Sandeep Lala, Adv.
Mr. Raj Bahadur, Adv.

Mr. Pratap Venugopal, Adv.
Ms. Surekha Raman, Adv.
Mr. Akhil Abraham Ray, Adv.
Mr. Vijay Valsan, Adv.
For M/s K. J. John & Co.

Mr. Ajay Majithia, Adv.
Mr. Satyajit A. Desai, Adv.
Ms. Anagha S. Desai, Adv.

Mr. Sumit Goel, Adv.
Mr. Ishan Nagar, Adv.
Mr. Manu Bajaj, Adv.
Mr. Raghav Bansal, Adv.
Ms. Nikita Pandey, Adv.
For M/s. Parekh & Co.

Mr. Amol Chitale, Adv.
Ms. Pragya Baghel, Adv.

Mr. G .N. Reddy, Adv.
Mr. T. Vijaya Bhaskar Reddy, Adv.
Mr. Digvijay Harichandan, Adv.

Ms. Ruby Singh Ahuja, Adv.
Mr. Vishal Gehrana, Adv.
Mr. Nakul Gandhi, Adv.
Mr. Shravan Sahny, Adv.
Mrs. Manik Karanjawala, AOR
for M/s Karanjawala & Co.

Mr. Vikash S. Wagmare, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshwar Jha, Adv.
Ms. Meenakshi S., Adv.

Mr. Praveen Kumar, AOR
Petitioner-in-person
Mr. Gunnam Venkateswara Rao, AOR
Mrs. Manik Karanjawala, AOR

Mr. Y. Raja Gopala Rao, AOR
Mr. Y. Vismai Rao, Adv.

Mr. Prashant Kumar, Adv.
For M/S. Ap & J Chambers, AOR

Mr. Syed Shahid Hussain Rizvi, AOR
Mr. Vikas Mehta, AOR
Mr. P. N. Gupta, AOR
Mr. E. C. Agrawala, AOR
Mr. Parijat Sinha, AOR

Mr. Vishnu Sharma, AOR
Ms. Anupama Sharma, Adv.
Mr. V. P. Pathak, Adv.
Mr. Kumar Prasoon Ranjan, Adv.

Dr. Abhishek Atrey, Adv.
Ms. Ambika Atrey, Adv.
Ms. Vidyottma, Adv.

Mr. S. S. Ray, Adv.
Ms. Rakhi Ray, Adv.

Mr. Amar Dave, Adv.
Mr. P. S. Sudheer, Adv.
Mr. Rishi Maheshwari, Adv.
Mrs. Mayuri Nayyar Chawla, Adv.
Ms. Anne Mathew, Adv.
Mr. Bharat Sood, Adv.
Ms. Shruti Jose, Adv.

Mr. Vishwajit Singh, AOR

Mr. Umesh Kumar Khaitan, AOR
Mr. Akshat Kumar, AOR

Mr. Gaurav Agrawal, AOR
Mr. Pankaj Gupta, AOR

Mr. Pradeep Misra, AOR
Mrs. Bina Gupta, AOR
Mr. Jatinder Kumar Bhatia, AOR

Mr. K. R. Sasiprabhu, AOR
Mr. Vishnu Sharma, AOR
Mr. Ritesh Agrawal, AOR
Mr. Punit Dutt Tyagi, AOR
Mr. Abhishek Atrey, AOR
Mr. Syed Shahid Hussain Rizvi, AOR
Ms. C. K. Sucharita, AOR
M/S. Ap & J Chambers, AOR
Mr. Umesh Kumar Khaitan, AOR
Mr. Prashant Kumar, AOR

Mr. Siddhartha Chowdhury, AOR
Mrs. V. D. Khanna, AOR
Mr. Bimal Roy Jad, AOR
Mr. V. K. Verma, AOR
Mr. Vikas Mehta, AOR
Mr. Rohit K. Singh, AOR
Mr. Ardhendumauli Kumar Prasad, AOR
Mr. Vishwajit Singh, AOR
Mr. Ambhoj Kumar Sinha, AOR
Mr. Ravi Prakash Mehrotra, AOR
Mrs. Anil Katiyar, AOR

Mr. Praveen Kumar, AOR
Mr. P. K. Bhalla, Adv.

Mr. T. Mahipal, AOR
Mr. Akshat Kumar, AOR
Mr. P. I. Jose, AOR
Mr. P. N. Gupta, AOR

Mr. Gunnam Venkateswara Rao, AOR
Mrs. Manik Karanjawala, AOR
Mr. Y. Raja Gopala Rao, AOR
Mr. Syed Shahid Hussain Rizvi, AOR
Mr. Vikas Mehta, AOR
Mr. P. N. Gupta, AOR
Mr. E. C. Agrawala, AOR
Mr. Parijat Sinha, AOR
Mr. Vishnu Sharma, AOR
Mr. Vishwajit Singh, AOR
M/S. Ap & J Chambers, AOR
Mr. Umesh Kumar Khaitan, AOR
Mr. Akshat Kumar, AOR
Mr. Praveen Kumar, AOR
Petitioner-in-person
Mr. Gaurav Agrawal, AOR
Mr. Pankaj Gupta, AOR
M/S. Parekh & Co., AOR

Mr. Jatinder Kumar Bhatia, AOR
Mrs. Manik Karanjawala, AOR
Mr. Pradeep Misra, AOR
Mrs. Bina Gupta, AOR
Mr. Ritesh Agrawal, AOR
Mr. Punit Dutt Tyagi, AOR
Mr. Abhishek Atrey, AOR
Mr. Syed Shahid Hussain Rizvi, AOR
Ms. C. K. Sucharita, AOR
M/S. Ap & J Chambers, AOR
Mr. Umesh Kumar Khaitan, AOR
Mr. Prashant Kumar, AOR
Mr. Siddhartha Chowdhury, AOR

Mrs. V. D. Khanna, AOR
Mr. Bimal Roy Jad, AOR
Mr. V. K. Verma, AOR
Mr. Vikas Mehta, AOR
Mr. Rohit K. Singh, AOR
Mr. Ardhendumauli Kumar Prasad, AOR
Mr. Vishwajit Singh, AOR
Mr. Ambhoj Kumar Sinha, AOR
Mr. Ravi Prakash Mehrotra, AOR
Mrs. Anil Katiyar, AOR
Mr. Praveen Kumar, AOR
Mr. T. Mahipal, AOR
Mr. K. R. Sasiprabhu, AOR
Mr. Vishnu Sharma, AOR
Mr. Akshat Kumar, AOR
Mr. P. I. Jose, AOR
Mr. P. N. Gupta, AOR

Hon'ble Mr. Justice M. R. Shah pronounced the reportable Judgment of the Bench comprising Hon'ble Mr. Justice Arun Mishra, Hon'ble Ms. Justice Indira Banerjee, Hon'ble Mr. Justice Vineet Saran, His Lordship and Hon'ble Mr. Justice Aniruddha Bose.

The operative portion of the Judgment is reproduced as under :-

"23. Thus, it is held that the view taken by the Constitution Bench of this Court in the subsequent decision in the case of U.P. Coop. Cane Unions Federations (supra) is the correct law. There is no conflict between the two decisions of this Court in the case of Tika Ramji and in the case of U.P. Coop. Cane Unions Federations and therefore, there is no necessity to refer the matter to the larger Bench consisting of seven Judges. Therefore, our final conclusions are as under:

a. By virtue of Entries 33 and 34 List III of seventh Schedule, both the Central Government as well as the State Government have the power to fix the price of sugarcane. The Central Government having

exercised the power and fixed the "minimum price", the State Government cannot fix the "minimum price" of sugarcane. However, at the same time, it is always open for the State Government to fix the "advised price" which is always higher than the "minimum price", in view of the relevant provisions of the Sugarcane (Control) Order, 1966, which has been issued in exercise of powers under Section 16 of the U.P. Sugarcane (Regulation of Supply and Purchase) Act, 1953;

- b. The Sugarcane (Control) Order, 1966 which has been issued under Section 16 of the U.P. Sugarcane (Regulation of Supply and Purchase) Act, 1953 confers power upon the State 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.

24. The Reference is answered accordingly. Now the Registry to notify all these matters before the Court taking up such matters forthwith, for disposal."

**(JAYANT KUMAR ARORA)
COURT MASTER**

**(JAGDISH CHANDER)
ASSISTANT REGISTRAR**

(Signed reportable Judgment is placed on the file)