

ITEM NO.101(Part-Heard)

COURT NO.3

SECTION XI

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 OF 2005

WEST U.P. SUGAR MILLS ASSOCIATION & ORS.

Appellant (s)

VERSUS

STATE OF UTTAR PRADESH & ORS.

Respondent(s)

(With application for appeal against Registrar's order)

WITH

Civil Appeal NO. 7509-7510 of 2005

[BASTI SUGAR MILLS CO. LTD. V. STATE OF U.P. & ORS.]

(With application for impleading party)

Civil Appeal NO. 150 of 2007

[WEST U.P. SUGAR MILLS ASSN. & ORS.]

Civil Appeal NO. 2664 of 2007

[BAJAJ HINDUSTAN LTD. V. STATE OF U.P. & ORS.]

(With office report)

Civil Appeal NO. 4026 of 2009

[KISAN MAZDOOR SANGATHAN V. BASTI SUGAR MILLS CO. LTD. & ORS.]

(With prayer for interim relief office report)

Civil Appeal NO. 4024 of 2009

[COOP. CANE DEVT. UNION LTD. V. BASTI SUGAR MILLS CO. LTD. & ORS.]

(With prayer for interim relief and office report)

Civil Appeal NO. 4025 of 2009

[SHAHKARI GANNA VIKAS SAMITI LIMITED V. BASTI SUGAR MILLS CO. LTD. & ORS.]

Civil Appeal NOS. 4014-4023 of 2009

[STATE OF U.P. & ANR. V. BASTI SUGAR MILLS CO. LTD. & ORS.]

(With application for clarification/modification of court's order, prayer for interim relief and office report)

CONMT. PET.(C) NO. 169 of 2006 in C.A. No.7508/2005

[STATE OF U.P. & ANR. V. S.K. KANORIA & ORS.]

(With office report)

CA NO. 7508 of 2005

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CONMT. PET.(C) NO. 253 of 2007 in C.A. No.7508/2005

[U.P. CANE UNION FEDERATION LTD. V. S.K. KANORIA & ANR.]

....2/-

CONMT. PET.(C) NO. 254 of 2007 in C.A. No.7508/2005

[U.P. CANE UNION FEDERATION LTD. V. SATYAJEET SINGH MAJITHIA & ANR.]

Civil Appeal NOS. 3911-3912 of 2009

[TIKAULA SUGAR MILLS LTD. & ORS. V. STATE OF U.P. & ORS.]

(With Application for directions and with office report)

Civil Appeal NO. 3925 of 2009
[BAJA HINDUSTHAN LTD. & ANR. V. STATE OF U.P. & ORS.]
(With office report)

Civil Appeal NOS. 3996-3997 of 2009
[M/S UTTAM SUGAR MILLS LTD. & ORS. V. STATE OF UTTARKHAND &
ORS.]
(With prayer for interim relief and office report)

CONMT.PET.(C) NOS.263-264 of 2008 in C.A. Nos.3996-3997/2009
[[COOP. CANE DEV. UNION, UTTARAKHAND V. RAJ KUMAR ADLAKHA &
ANR.]

CONMT.PET.(C) NOS.265-266 of 2008 in C.A. Nos.3996-3997/2009
[[COOP. CANE DEV. UNION. UTTARAKHAND V. MANMOHAN SHARMA]

CONMT.PET.(C) NOS.267-268 of 2008 in C.A. Nos.3996-3997/2009
[COOP. CANE DEV. UNION, HARIDWAR, UTTARAKHAND V S.M. MITTAL &
ANR.]

Civil Appeal NO. 4764 of 2009
[WEST U.P. SUGAR MILLS ASSN. & ORS. V. STATE OF U.P. & ORS.]
(With office report)

SLP(C) NO. 21576-21581 of 2008
[U.P. CO-OPERATIVE CANE UNION FEDERATION V. BASTI SUGAR MILLS
CO. LTD. & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 21585-21587 of 2008
[STATE OF U.P. & ANR. V. BASTI SUGAR MILLS CO. LTD. & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 18681 of 2008
[[EAST U.P. SUGAR MILLS ASSOCIATION & ORS. V. STATE OF U.P. &
ORS.]
(With Appln(s) for permission to file additional documents, with
prayer for interim relief and office report)
CA NO. 7508 of 2005

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SLP(C) NO. 19183 of 2008
[M/S. MAWANA SUGARS LTD. V. STATE OF U.P. & ORS.]
(With prayer for interim relief)

....3/-

SLP(C) NO. 20205 of 2008
[MODI SUGAR MILLS & ANR. V. STATE OF U.P. & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 20206 of 2008
[M/S SBEC SUGAR LIMITED & ANR. V. STATE OF U.P. & ORS.]
(With prayer for interim relief and office report)

SLP(C) NO. 23202 of 2008
[KISAN MAZDOOR SANGATHAN V. BASTI SUGAR MILLS CO. LTD. & ANR.]

SLP(C) NO. 26026 of 2008
[UTTAM SUGAR MILLS LIMITED & ANR. V. STATE OF UTTARKHAND & ORS.]
(With office report)

Date: 29/11/2011 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE DIPAK MISRA

For appellants/petitioners :

in CA 7508 Mr. Mukul Rohtagi, Sr. Adv.
Mr. Sudhir Chandra, Sr. Adv.
Mr. Jayant Bhushan, Sr. Adv.
Ms. Indu Malhotra, Sr. Adv.
(NP ON 22.11.2011)
Mr. Mahesh Agarwal, Adv.
Mr. Narinder Kumar Verma, Adv.
Mr. Gaurav Goel, Adv.
Mr. Kush Chaturvedi, Adv.
Mr. J.K. Sethi, Adv.
Mr. Vansh Deep Dalmia, Adv.
Mr. Vikas Mehta, Adv.

In CA 7509-7510 Mr. Sudhir Chandra, Sr. Adv.
Mr. Syed Shahid Hussain Rizvi, Adv.
Mr. Sanjeev Kumar Singh, Adv.
Mr. Uday Kumar, Adv.

CA NO. 7508 of 2005

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Mr. Rajesh Tiwari, Adv.

Mr. Parijat Sinha, Adv.(NP)

In CA 150, 3911-12,
SC 18681 Mr. Mahesh Agarwal, Adv.
Mr. Narinder Kumar Verma, Adv.
Mr. Gaurav Goel, Adv.
Mr. Kush Chaturvedi, Adv.
Mr. J.K. Sethi, Adv.
Mr. Vikas Mehta, Adv.

....4/-

In CA 2664 Mr. Sudhir Chandra, Sr. Adv.
Mr. Rajesh Tiwari, Adv.
Mr. Sanjeev K. Singh, Adv.
Mr. Uday Singh, Adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Abeer Kumar, Adv.
Mr. Ishan Gaur, Adv.
Mr. J.K. Sethi, Adv.
Mr. Bhagwati Prasad Padhy, Adv.
For M/s. Karanjawala & Co., Advs.

In CA 4026, SC 23202

Mr. V.M. Singh, in person

In CA 4024 & 4025 Mr. Prashant Kumar, Adv.
Mr. Anurag Sharma, Adv.
For M/s. AJ &J Chambers, Advs.

In CA 3925 Mr. Mukul Rohtagi, Sr. Adv.
Mr. Sudhir Chandra, Sr. Adv.
Mr. Rajiv Dutta, Sr. Adv.
Mr. Syed Shahid Hussain Rizvi, Adv.

In CA 3996-97 & SC 26026

Mr. J.K. Sethi, Adv.
Ms. Manik Karanjawala, Adv.

In CA 4764

Mr. E.C. Agrawala, Adv.

In SLP 21576-81

Mr. Vishwajit Singh, Adv.

In SLP 19183

Mr. Praveen Kumar, Adv.

In SC 20205 & 20206

Mr. Umesh Kumar Khaitan, Adv.

CA NO. 7508 of 2005

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Ms. Kritika Mehra, Adv.

Ms. Bhumika Manan, Adv.

In CP 253, 254

Mr. Vishnu Sharma, Adv.

In CP 263-264,
265-266 & 267-268

Mr. J.K. Sethi, Adv.

Mr. P.N. Gupta, Adv.

For Respondent (s)
For Rrs 1 & 2 in CA 4026,
RR 1 in CA 4024, RR 1-2
in CA 4025

Mr. Mukul Rohatgi, Sr. Adv.

Mr. Sudhir Chandra, Sr. Adv.

...5/-

Mr. Rajiv Dutta, Sr. Adv.

Mr. Rajesh Tiwari, Adv.

Mr. Sanjeev K. Singh, Adv.

Mr. Uday Kumar, Adv.

Ms. Ruby Singh Ahuja, Adv.

Mr. Abeer Kumar, Adv.

Mr. Ishan Gaur, Adv.

Mr. J.K. Sethi, Adv.

Mr. Bhagwati Prasad Padhy, Adv.

For M/S. Karanjawala & Co., Adv.

For UOI

Mr. P.P. Malhotra, ASG

(NP on 29.11.2011)

Mr. J.S. Attri, Sr. Adv.

(NP on 29.11.2011)

Ms. Indira Sawhney, Adv.

Mr. Gaurav Sharma, Adv.

Ms. Binu Tamta, Adv.

Ms. Sushma Suri, Adv.

Ms. Anil Katiyar, Adv.

For Mr. V.K. Verma, Adv.

For Federation

Mr. Ashok H. Desai, Sr. Adv.

Mr. Ravi P. Mehrotra, Adv.

Mr. Vibhu Tiwari, Adv.

Mr. Shantanu Krishna, Adv.

For State of UP

Mr. M.L. Verma, Sr. Adv.

(in CA 4014-23, SC 18681 & 21585-87)

(NP on 29.11.2011)

Dr. Rajeev Dhawan, Sr. Adv.

(in Rest of the matters)

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Mr. Ravi P. Mehrotra, Adv.
Mr. Shail Kumar Dwivedi, AAG
Mr. Ajay Singh, Adv.
Mr. Vibhu Tiwari, Adv.
Mr. Mukesh Verma, Adv.
Ms. Vandana Mishra, Adv.

For State of Uttarakhand

Mr. S.S. Shamsbery, Adv.
Mr. Jatinder Kumar Bhatia, Adv.
Mr. Abhishek Attrey, Adv.

For RR 3 in CA 7508

Mr. Prashant Kumar, Adv.

For RR 1 & 2 in CA 7509-10,

For RR 2 in CA 150

Mr. Vishnu Sharma, Adv.

....6/-

For RR in CA 7509-10 &

RR 2 in CA 2664

Mr. Prashant Kumar, Adv.
Mr. Anurag Sharma, Adv.
For M/s AP & J Chambers, Adv.

For RR 13 in CA 2664

Ms. V.D. Khanna, Adv.

For RR in 4014-23,

For RR 1 In CA 4017 & 4018

Mr. Umesh Kumar Khaitan, Adv.
Ms. Kritika Mehra, Adv.
Ms. Bhumika Manan, Adv.
Mr. Parvesh Sharma, Adv.

For RR 7 in CA 4014-23

Mr. Bimal Roy Jad, Adv.
Mr. Rajeev K. Bharti, Adv.
Mr. Nopni Gopal Dev, Adv.

For RR 2 in CA 3925

Mr. J.K. Sethi, Adv.
Mr. P.N. Gupta, Adv.

For RR 5 in SC 18681,

in CA 3996-97, CA 4764

RR 4 in Ca 4014 & 4015

Mr. Manvendra Verma, Adv.
Mr. Vishwajit Singh, Adv.

In SLP 21576-81,

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21585-87, 23202,

Mr. Rajesh Tiwari, Adv.
Mr. Sanjeev K. Singh, Adv.
Mr. Uday Singh, Adv.
Ms. Ruby Singh Ahuja, Adv.
Mr. Abeer Kumar, Adv.
Mr. Ishan Gaur, Adv.
Mr. J.K. Sethi, Adv.
Mr. Bhagwati Prasad Padhy, Adv.
Ms. Manik Karanjawala, Adv.

In CA 4014-4023

RR 1 in CA 4015
Mr. Mukul Rohtagi, Sr. Adv.
Mr. Sudhir Chandra, Sr. Adv.
Mr. Rajiv Dutta, Sr. Adv.
Mr. Syed Shahid Hussain Rizvi, Adv.
Mr. Sanjeev Kumar Singh, Adv.
Mr. Uday Kumar, Adv.
Mr. Rajesh Tiwari, Adv.

For RR 2 in CA 4015
Mr. K.R. Sasiprabhu, Adv.

...7/-

For RR 2 in CA 4014,
RR 1-5, 6-11 & 13-15
in CA 4016, For Rrs Mr. Mukul Rohtagi, Sr. Adv.
1-7, 9-11 in Mr. Sudhir Chandra, Sr. Adv.
CA 4023
Mr. Rajiv Dutta, Sr. Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Narinder Kumar Verma, Adv.
Mr. Gaurav Goel, Adv.
Mr. Kush Chaturvedi, Adv.
Mr. Vikas Mehta, Adv.

For Rrs 12 & 16 in
CA 4016
Mr. J.K. Sethi, Adv.
Mr. Punit D. Tyagi, Adv.

For RR 3 in Ca 4017 & 4018
Mr. Vishnu Sharma, Adv.

For RR 8 in CA
4023
Mr. Sidharth Chowdhary, Adv.
Mr. J.K. Sethi, Adv.
Ms. Bina Gupta, Adv.

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Mr. Pradeep Mishra, Adv.
Mr. Gunnam Venkateswara Rao, Adv.
Mr. Ajay Kumar Talesara, Adv.
Mr. T. Mahipal, Adv.
Mr. Ritesh Agrawal, Adv.
Mr. Ajay Choudhary, Adv.
Mr. Ambhoj Kumar Sinha, Adv.

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

Mr. Sudhir Chandra and Mr. Mukul Rohtagi
learned Senior Counsel for the appellants and Mr.
Ashok Desai made their submissions for twenty
minutes each from 10:30 A.M. to 11:30 A.M.

...8/-

Thereafter, Dr. Rajeev Dhawan, learned Senior Counsel appearing for the State of Uttar Pradesh made his submissions till 12:00 P.M.

Thereafter Mr. Jayant Bhushan learned Senior Counsel made his submissions till 12:50 P.M. Then Mr. Rajiv Dutta appearing for appellants in Civil Appeal Nos. 4014-4023 of 2009 made his submissions for ten minutes.

Then, Mr. S.S. Shamsbery, learned counsel for the State of Uttarakhand commenced his
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submissions and according to him and Mr. J.K. Sethi, learned counsel for the appellants in C.A. No. 3996-3997 of 2009 and petitioners in S.L.P. (C) No. 26026 of 2008, Uttam Sugar Mills Limited, Lakshmi Sugar Mills Company Limited, RBNS Sugar Mills Limited have paid the entire amount according to SAP whereas Kashipur Sugar Mills Limited has paid as per the interim order dated 15th May, 2008 i.e., at the rate of Rs. 110/- per quintal. AS far as SLP(C) 26026 is concerned, the payment was made under protest.

Mr. V.M. Singh, appearing in person for the Kisan Mazdoor Sangathan made his submissions for fifteen minutes.

...9/-

Mr. Jayant Bhushan and Mr. Mukul Rohtagi learned Senior Counsel for the Sugar Mills again made their submissions in rejoinder for ten minutes each.

Hearing concluded.

Judgment reserved.

We direct the learned counsel appearing for
different parties to file affidavit within one week
from today.

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[KALYANI GUPTA]	[A.S. BISHT]	[INDU SATIJA]
COURT MASTER	COURT MASTER	COURT MASTER