

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

I.A. Nos. 84 &amp; 85/2008 in Petition(s) for Special Leave to Appeal (Civil) No(s).372-381/2008 in SL)C( No. 373/2008

STATE OF U.P. &amp; ANR.

Petitioner(s)

VERSUS

BASTI SUGAR MILLS COMPANY LTD. &amp; ORS.

Respondent(s)

(For direction and exem. from filing O.T. and office report)

Date: 14/11/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE ARIJIT PASAYAT

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s)

Mr. Viplav Sharma, Adv.  
Mr. Ravi P.Mehrotra, Adv.  
Mr. Garvesh Kabra, Adv.

For Respondent(s)

Mr. K.K.Venugopal, Sr. Adv.  
Mr. Rajeev Datta, Sr. Adv.  
Mr. Syed Shahid Husain Rizvi, Adv.  
Mr. Sanjeev Singh, Adv.  
Mr. Gopal Shankar, Adv.  
Mr. Uday Kumar, Adv.  
Ms. Hina Rizvi, Adv.  
Mr. Gaurav Bhatia, Adv.Mr. Vishnu Sharma, Adv.  
Mr. Anupam Sharma, Adv.

Mr. Bimal Roy Jad, Adv.

Ms. Ruby Singh Ahuja, Adv.  
Mr. Manu Aggarwal, Adv.  
Mr. Abir Kumar, Adv.  
Mr. Manik Karanjawala, Adv.Mr. Ashu Kansal, Adv.  
Mr. Abhishek Verma, Adv.  
Mr. U.K.Khaitan, Adv.Mr. K.R.Sasiprabhu, Adv.  
Mr. Vikas Mehta, Adv.

Mr. T.Mahipal, Adv.

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Mr. Ankur Chawla, Adv.  
Mr. Jayant Mohan, Adv.  
Mr. Rahul Pratap, Adv.  
Mr. Siddharth Choudhary, Adv.Mr. Ravindra Singh, Adv.  
Ms. Veera Kaul Singh, Adv.

M/s. AP &amp; J Chambers, Advs.

Mr. Manvendra Verma, Adv.

Mr. Pramod Swarup, Adv.

Mr. Punit Dutt Tyagi, Adv

UPON hearing counsel the Court made the following  
ORDER

There seems to be confusion in the minds of the parties over two orders which are crystal clear. By orders dated 27.2.2008 and 08.09.2008 it was made clear that pending final decision in these petitions, the rates payable for the Crushing Session 2006-2007 (1.10.2006 to 30.09.2007) shall be Rs. 115, 118 and 123 for different categories. So far Crushing Session 2007-2008 is concerned, the same relates to the period from 1.10.2007 to 30.9.2008. The payment for this period has to be made @ Rs. 110/-. The amount payable on that basis has to be paid by the Mill Owners. It was clearly stated in the aforesaid two orders that if any amount has been paid beyond amount payable on the basis of the aforesaid rates, the same shall not be refunded. The stipulation regarding non refund also applies for both the periods. It was also indicated in the order

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dated 08.09.2008 that no deduction for the transport charges shall be claimed or adjusted. To put it simply, the amount payable for the two periods have to be at the rates indicated in respect of the total quantity of supply.

The applications are accordingly disposed of.

(Shashi Sareen)  
Court Master

(Shashi Bala Vij)  
Court Master