

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).3975/2009

(From the judgement and order dated 14/12/2007 in WPC No.12794/2006 of The
HIGH COURT OF ORISSA AT CUTTACK)

STATE OF ORISSA

Petitioner(s)

VERSUS

M/S BALAJI SUGAR & ALLIED INDUS.& ORS.

Respondent(s)

(With prayer for interim relief and office report)
[for final disposal]

WITH SLP(C) NO. 1773 of 2010

(With prayer for interim relief and office report)
[for final disposal]

SLP(C) NO. 20331 of 2010

(With appln. for exemption from filing C/C of the impugned judgment and
directions and with prayer for interim relief and office report)

SLP(C) NO. 25558 of 2010

(With prayer for interim relief and office report)
[for final disposal]

SLP(C) NO. 25562 of 2010

(With office report)

[for final disposal]

SLP(C) NO. 25564 of 2010

(With prayer for interim relief and office report)
[for final disposal]

SLP(C) NO. 2568 of 2009

(With prayer for interim relief and office report)
[for final disposal]

SLP(C) NO. 3257 of 2009

(With prayer for interim relief and office report)
[for final disposal]

Date: 01/07/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. L. Nageswara Rao, Sr. Adv.
Mr. Siddharth Luthra, ASG
Ms. C.K. Sucharita, Adv.
Mr. Rumi Chandra, Adv.
Mr. Pranay Ahalwat, Adv.

SLP 25562, 25558,
25564

Mr. J.K. Das, Sr. Adv.
Mr. S.K. Das, Adv.
Mr. P.P. Nayak, Adv.
Mr. Sandeep Das, Adv.
Mr. Avijeet Bhujabal, Adv.
Mr. D.M. Sharma, Adv.
Mr. Ajay Choudhary, Adv.

For Respondent(s)

Mr. Mukul Rohtagi, Sr. Adv.
Mr. Shyam Divan, Sr. Adv.

Mr. G. Umapathy, Adv.
Mr. Rakesh K.Sharma, Adv.
Ms. R. Mekhala, Adv.

Mr. L. Nageswara Rao, Sr Adv.
Mr. Siddharth Luthra, ASG
Ms. C.K. Sucharita, Adv.

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

S.L.P. (C) NOS. 3975, 2568, 3257 OF 2009, 1773 & 20331 OF 2010:

We have heard Mr. L. Nageswara Rao, learned senior counsel and Mr. Siddharth Luthra, learned Additional Solicitor General for the petitioner - State of Orissa, Mr. Mukul Rohtagi, learned senior counsel for the respondent No. 1 - M/s. Balaji Sugar & Allied Industries.

2. Having regard to the events that have taken place subsequent to the impugned orders and during the pendency of these Special Leave Petitions, we are satisfied that merits of these Special Leave Petitions need not be looked into by us. In particular, the subsequent events which have taken place are these:

In pursuance of the order of this Court dated January 24, 2012, the State Government has decided the representation made by the respondent No 1 and communicated its decision to the respondent No. 1 on October 31, 2012 intimating to it that the Government had approved the one time settlement proposal on payment of Rs. 9,51,33,675/- in one single installment by 31.10.2012 itself towards dues payable for Badamba Cooperative Sugar Industries (BCSI) Ltd. The respondent No. 1 sought 45 days time to deposit the above amount and in fact deposited the same with Registrar, Co-operative Societies, Odisha on November 21, 2012 by way of demand draft. Subsequently, by a communication dated February 2, 2013, the respondent No. 1 has been intimated that the Government has decided not to accept the offer for one time settlement of dues payable towards purchase of above Badamba Cooperative Sugar Industries (BCSI) Ltd. This communication followed the show cause notice dated November 5, 2012 given by the Registrar, Cooperative Societies to the respondent No. 1 as to why the agreement be not terminated on account of non-payment of settlement amount. The respondent No. 1 has challenged the above show cause notice in a substantive Writ Petition before the Orissa High Court. In the Writ Petition, the respondent No. 1 has also prayed for direction to the State Government and its authorities to execute the sale deed relating to sale and purchase agreement dated June 27, 2005 concerning the above sugar factory.

3. The questions relating to the show cause dated November 5, 2012, subsequent decision taken by the Government on February 2, 2013 and the prayers made by the respondent No. 1 (petitioner therein) in the Writ Petition shall be decided by the High Court in accordance with law on their own merits and, therefore, it is not appropriate for us to consider the Interlocutory Applications made by respondent No. 1. Moreover, having regard to the above subsequent events, Special Leave Petitions have become infructuous and do not survive. Special Leave Petitions are, accordingly, dismissed as infructuous. It is, however, clarified that in view of what we have noted above, the orders passed by the High Court and impugned in these Special Leave Petitions have paled into insignificance.

5. Having regard to the controversy between the parties, we request the High Court to hear and decide Writ Petition (C) No. 2125 of 2013 - M/s. Laxmipathi Balaji Sugar & Distilleries (P) Ltd. vs. State of Orissa and others as expeditiously as may be possible and preferably within three months of the production of the copy of this order.

S.L.P. (C) Nos. 25562, 25558 and 25564 of 2010:

In view of the order passed in S.L.P. (C) No. 3975 of 2009, no order needs to be passed in these Special Leave Petitions. Special Leave Petitions are disposed of.

|(Pardeep Kumar)
|Court Master

| |(Renu Diwan)
| |Court Master

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