

**IN THE HIGH COURT OF KARNATAKA
DHARWAD BENCH**

DATED THIS THE 30th DAY OF JUNE, 2015

BEFORE

THE HON'BLE MR. JUSTICE B. VEERAPPA

W.P.No.106569/2015 (KLR-RES)

BETWEEN:

GOKAK SUGARS LTD.,
KOLAVI VILLAGE,
TQ: GOKAK,
(A COMPANY REGISTERED UNDER
THE COMPANIES ACT, 1956)
REP. BY ITS LEGAL OFFICER,
SHRI MOHAN TUKARAM PATIL,
AGE: 34 YEARS, OCC: SERVICE,
R/O. B.C. 105, CAMP, BELAGAVI.

... PETITIONER

(BY SRI.SANGRAM S. KULKARNI, ADV.,)

AND

1. THE DEPUTY COMMISSIONER
BELAGAVI DISTRICT,
BELAGAVI.
2. THE TAHSILDAR, GOKAK,
DISTRICT: BELAGAVI.
3. THE COMMISSIONER FOR CANE
DEVELOPMENT AND DIRECTOR
OF SUGARS IN KARNATAKA,
KARNATAKA HOUSING BOARD
COMPLEX, CBAB COMPLEX,

'F' BLOCK, 5TH FLOOR,
KAUVERI BHAVAN, K.G. ROAD,
BANGALURU-560001.

... RESPONDENTS

(BY SRI. A.G.SHIVANNA, ADDL. ADVOCATE GENERAL
AND SRI. RAVI V. HOSAMANI, AGA FOR RESPONDENTS)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
QUASH THE ORDER DATED NIL .06.2015 PASSED BY THE
RESPONDENT NO.1 DEPUTY COMMISSIONER BELAGAVI
VIDE ANNEXURE-A AND ETC.,

THIS WRIT PETITION COMING ON FOR PRL.
HEARING THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Sri. Sangram S. Kulkarni, learned Counsel for the petitioner
sought to delete prayer Nos.1 and 3 and confining his prayer No.2
in the writ petition, and memo is filed in this regard.

2. Memo is placed on record.

3. The petitioner has filed the above writ petition praying
to issue a writ of mandamus to the respondents to consider the
representation dated 24.06.2015. It is the case of the petitioner-
company that it is one of the largest manufacturers and
processors of sugar and its allied products, such as, ethanol, co-

generation power and molasses in India and abroad. The Petitioner-Company operates state of the art integrated sugar factories in the State of Karnataka and Maharashtra and standalone sugar refineries in the State of Gujarat and West Bengal. In the State of Karnataka it has owned and established 3 integrated sugar factories in Belagavi and Kalaburgi district. It is also successfully operating one sugar factory in Raibag Taluka of Belagavi District on lease for a period of 5 seasons and it is also known to be pro-farmers who have benefited greatly by being offered equity in the company.

4. It is the further contention of the petitioner-company that it has crushed the sugarcane for the academic year 2014-15 and it has paid Rs.11,899 lakhs to the farmers out of the total FRP payment of Rs.13967 lakhs. The crushing of sugarcane for the academic year 2014-15 was started by the company on 30.11.2014 and the crushing activity was continued till 11.04.2015. The total quantity of sugar that was manufactured and which was unsold was stored in godown situated in the factory premises of the

company. In spite of the best efforts, the petitioner- company due to oversupply of sugar would not sell part of the sugar manufactured during 2014-15 season and therefore, the unsold stock is stored in the godown. In the meanwhile, the Cane Commissioner has passed an order dated 11.06.2015 to pay due amount of Rs.3395 lakhs to the farmers. In pursuance of the same, the petitioner-company made a representation before the Deputy Commissioner appraising the fact that the Government has already leased fair and remunerative price (for short 'FRP') for the academic year 2014-15 to its farmers and made application to the Central Government along with necessary outstanding FRP data season 2014-15 and the lease of beneficiary to the farmers and they are expecting soft loan from the Central Government and requested to withdraw the order dated 11.06.2015 and the said representation is not yet considered by the respondent. Therefore, the petitioner is before this Court.

5. I have heard the learned Counsel for the parties to the lis.

6. Sri.Sangram S. Kulkarni, learned Counsel for the petitioner submits that the petitioner has paid 90% of the amount out of Rs.3395 lakhs and they are making all efforts to get soft loan by the Central Government under the scheme dated 23.06.2015. Therefore, the Government has to extend the benefit and has to withdraw the order dated 11.06.2015. But the same has not been done. Hence, the petitioner is driven before this Court. Therefore, he sought to allow the petition.

7. Per contra, Sri.A.G.Shivanna, learned Addl. Advocate General has contended that the order passed by the Cane Commissioner dated 27.05.2015 is not at all questioned and subsequently, the order passed by the Deputy Commissioner is also not questioned. If he has made any representation, the Deputy Commissioner will consider and pass orders in accordance with law and the contention of the learned Counsel for the petitioner that they have paid 90% of the amount is also disputed. That has to be decided by the Deputy Commissioner after considering the representation with details produced by the

petitioner in accordance with law. Therefore, he sought to dismiss the petition.

8. I have given my thoughtful consideration to the arguments advanced by the learned Counsel for the parties and perused the material on record.

9. The only prayer sought in the present writ petition is to consider the representation dated 24.06.2015 vide Annexure-E and pass orders in accordance with law. The fact that the order passed by the Cane Commissioner is not in dispute and subsequently, on the basis of the said order, the Deputy Commissioner has passed the order on .06.2015, if the petitioner satisfies the Deputy Commissioner by producing all the records to show that he has paid substantial amount to the farmers as contended, it is for the Deputy Commissioner to consider and pass orders in accordance with law. In view of the aforesaid reasons, the Deputy Commissioner is directed to consider Annexure-E dated 24.06.2015 and pass orders within a period of

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three weeks from the date of the receipt of copy of the order, in accordance with law.

Accordingly, writ petition is disposed of.

Sd/-
JUDGE

BS