

Supreme Court of India

Kedia Leather And Liquor vs Union Of India on 2 April, 1993

Equivalent citations: 1994 SCC, Supl. (1) 714 1993 SCALE (2)573

Author: Ahmadi

Bench: Ahmadi, A.M. (J)

PETITIONER:

KEDIA LEATHER AND LIQUOR

Vs.

RESPONDENT:

UNION OF INDIA

DATE OF JUDGMENT 02/04/1993

BENCH:

AHMADI, A.M. (J)

BENCH:

AHMADI, A.M. (J)

MOHAN, S. (J)

CITATION:

1994 SCC Supl. (1) 714 1993 SCALE (2)573

ACT:

HEADNOTE:

JUDGMENT:

ORDER

1. Counsel for the Union of India is not able to state if the Cabinet has taken a decision in this matter even though almost two years have elapsed. This Court had by its order dated April 10, 1991 directed the Union of India to examine without delay the feasibility of giving statutory power to the Board at the Centre to enable it to give binding directions to State Controllers in regard to allocation of molasses to overcome the difficulties pointed out in the writ petitions before it. Except seeking adjournments after adjournments no effective action appears to have been taken. Even today the learned counsel for the Union seeks some time to ascertain from the department concerned the outcome of the earlier statements made to this Court that the Cabinet is considering the question of action to be taken in response to this Court's order of April 10, 1991. It is thus obvious that almost two years have now elapsed and this Court is being told time and again that the decision is yet awaited. This Court cannot wait indefinitely. Mr Gauri Shankar states that he may be given one further last opportunity to ascertain the outcome of the decision, if any, taken by the Cabinet in this

behalf as per the earlier assurances given to this Court. We fail to understand why the officers of the department concerned have not shown any sense of urgency to intimate the decision, if any taken, to the learned counsel well before the date of hearing rather than leaving it to the learned counsel to ascertain from them if any decision has been taken. Is it not the responsibility of the officers concerned to keep the counsel informed of the developments so that this Court's time is not wasted and the matter is not required to be adjourned for ascertaining the decision, if any. If such indifference is shown we may be compelled to pass harsh orders not only against the Union of India but also against individual officers.

2. We also find that on January 22, 1993 we had, on the statement made by the learned counsel for the Union of India, allocated an additional quota of 50 thousand metric tonnes of molasses, taking the total to 1.55 metric tonnes, to the State of Madhya Pradesh. We had directed that this much quantity should be released to the State of Madhya Pradesh subject to further adjustments, if any, and we would review the position at the end of March 1993. That is how the petition has now come up before us. What we find from the letter of the Under Secretary to the Government of India dated March 5, 1993, is that the State of Uttar Pradesh expressed its inability to release the additional quota whereupon the Union Ministry diverted 57,400 metric tonnes of molasses from Uttar Pradesh to Bihar, at the same time stating it was difficult to give any direction to the State of Bihar because Central Government lacked authority to issue such directions. While on the one hand this Court's direction of April 10, 1991 is not implemented while on the other hand shelter is being taken under that very situation. This means that the Union of India wants to leave the matter at the sole discretion of the State of Bihar regardless of its counsel's statement to this Court on January 22, 1993. Mr Gauri Shankar states that he may be given one further opportunity to ensure compliance. Counsel could have been spared the embarrassment caused to him because of the indifference of the officers concerned who were duty-bound to instruct him of the progress, if any. We accede to his request finally but we would like to make it clear that we expect the officers to take note that this Court will not show further indulgence. Let the matter come up on April 16, 1993.

Court Master