

**ORDER SHEET**  
**IN THE HIGH COURT OF SINDH, KARACHI**  
 C. P. No. D-2660 of 2020

Date	Order with signature of Judge
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PRIORITY.

1. For hearing of CMA No.11805/2020
2. For hearing of main case.

**Present**

**Mr. Justice Muhammad Ali Mazhar.**

**Mr. Justice Yousuf Ali Sayeed.**

Sindh Growers Alliance & others.....Petitioners

Versus

Province of Sindh & others.....Respondents

**13.08.2020.**

Mr. S. Mureed Ali Shah, advocate/petitioner No.2.

Mr. Shahryar Mehar, AAG.

Mr. Abdul Qayyum Rajput, Technical Officer (H.Q), Cane  
 Commissioner Officer, Hyderabad.

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**Muhammad Ali Mazhar, J:** The petitioner No.1 is Sindh Growers Alliance through its General Secretary whereas the petitioner No.2 is Syed Mureed Ali Shah, advocate in the capacity of grower prayed in this petition for direction against the respondent No.2 to obtain record of sugarcane purchased by sugar mills supplied by the growers to the sugar mills for crushing seasons 1998-99 to 2018-19 from the sugar mills.

In fact this petition has been filed for payment of quality premium in view of the order dated 19.12.2019 passed in C. P. No. D-3458/2019 by this court and the aforesaid petition was disposed of in terms of the paragraph-9, which is reproduced as under:-

**“9. After arguing at some length the learned counsel for the petitioners (in the presence of the petitioners” representatives named supra) and respondents (in the presence of the respondents” representatives named supra) have consensually agreed to settle this matter and sought disposal of these petitions in the following terms:**

- A. In terms of the notifications, issued by the Government of Sindh in terms of Section 16(3) of the Act, the Cane Commissioner shall determine the sucrose recovery rate for the respective crushing seasons 1998-99 till 2018-19 in accordance with law, within 20 days from the date hereof.**
- B. The Cane Commissioner Sindh shall examine each notification separately and determine the sucrose recovery rate according to each notification.**
- C. Each grower shall apply to the respective sugar mill with their claim for the payment of quality premium and also submit the copy of application to the Cane Commissioner Sindh and after verification of the claim of such grower, the sugar mills shall make the payment to them.**
- D. The documents shall be verified within two months, thereafter, the payment will be made to the growers.**
- E. In case, despite verification of the claim, the amount is not paid, the growers may approach to the Cane Commissioner Sindh and the Cane Commissioner Sindh shall take action in accordance with law against the sugar mills for non-payment of quality premium to the growers.**
- F. At this juncture, Mr. Abdul Sattar Pirzada Advocate submits, on instructions, that some sugar mills have already paid the quality premium to the growers. We have already observed that each grower has to apply and after submitting his application, the sugar mill shall verify his claim for the payable amount. On the contrary, Mr. Rafiq**

***Ahmed Kalwar Advocate and Mr. Syed Mureed Ali Shah Advocate argued that during pendency of appeals in the Honorable Supreme Court, the restraining orders were operating, hence, there is no question of payment of such amount. Be that as it may, it is reiterated that each claimant has to submit the application that will be verified by the sugar mill for payable amount.***

The respondent No.2 has filed reply in which it is stated that some applications have been received from sugarcane growers against sugar mills for claim of quality premium and the same have been forwarded to the concerned sugar mills for verification.

The petition is disposed of with the directions that the members of the petitioner No.1 as well as the petitioner No.2 may file appropriate application for claiming of quality premium to the concerned sugar mills. Copy of application shall also be submitted to the Cane Commissioner Sindh who will verify the claim from the concerned sugar mills and ensure payment of quality premium in terms of the judgment passed by this Court in C. P. Nos. D-3458 and 5507 of 2019. The petition is disposed of alongwith pending application in the above terms.

JUDGE

JUDGE

MUBASHIR