

ORDER SHEET
IN THE HIGH COURT OF SINDH AT KARACHI
CP D 8666, 795 of 2017, 219, 440, 1818 and 6445 of 2018.

Order with signature of Judge

19.12.2019

Mr. Hasan Ansari, Advocate holding brief for Mr. Abdul Sattar Pirzada Advocate, for the petitioners in CP D-8666 of 2017.

Mr. Ijaz Ahmed, Advocate for Digri Sugar Mills in CP D-8666 of 2017.

Petitioner Mr. Mureed Ali Shah, Advocate in person in CP D-7591 of 2017 and 6445 of 2018.

Ghulam Moiuddin, Assistant Attorney General.
Mr. Jawad Dero, Additional Advocate General Sindh.

Mr. Jawaid Sibghatllah Mahar, Cane Commissioner Sindh and Mr. Abdul Qayyum Rajput, Technical Officer, Cane Commission, Headquarter are present.

Cane Commissioner Sindh is present and has submitted the progress report. According to his report Bandhi Sugar Mills has informed him that remaining payments will be paid to the growers as soon as possible for the crushing season 2017-18. There is no mention in the statement as to when Bandhi Sugar Mills will clear the said dues. However, in the interest of justice, if within 20 days' time the payment is not made to the growers as per statement of Bandhi Sugar Mills, then the Cane Commissioner Sindh shall file complaint/s in this regard under the provisions of Sugar Factory Control Act, 1950.

Ranipur Sugar Mills has already informed the Cane Commissioner Sindh that one of the growers has filed the case which is sub judice before the 1st Senior Civil Judge, Naushero Feroze. The Cane Commissioner submits that some growers appeared before the Committee but they could not establish their claim. On the contrary one

of the members in the Committee, Nawab Zubair Talpur, submits that due to non-availability of cane purchase receipts some growers could not produce their documents. Mr. Aijaz Ahmed Advocate learned counsel for Ranipur Sugar Mills submits that there are no outstanding claims against Ranipur Sugar Mills, however, we direct the Cane Commissioner that if any legitimate claim is filed with him with documentary proof and it is proved then he will also take appropriate action against the defendant in accordance with law.

So far as the Seri Sugar Mills is concerned a complaint has already been filed by the Cane Commissioner Sindh before the 1st Senior Civil Judge, Hyderabad regarding nonpayment of cane price to the growers for the crushing season 2017-18.

He further submits that his office is also filing complaints against Sakrand Sugar Sugar Mills for the crushing seasons 2014-15, 2015-16 and 2017-18 due to nonpayment of dues to growers.

Some growers present in Court, and their representative in the Committee Mr. Nawab Zubair Talpur, informed us that it is a common practice that the sugar mills are not issuing cane purchase receipts. On this, the Cane Commissioner submits that he has already issued circular to all sugar mills to issue cane purchase receipts to the growers in accordance with law. If any grower has grievance with regard to non-issuance of the cane purchase receipts, he may file a complaint before the Cane Commissioner Sindh in writing and immediately on receiving

such complaint the Cane Commissioner Sindh shall take appropriate action against those responsible.

Mr. Mureed Ali Shah lodged a grievance that some sugar mills have stopped crushing in violation of Sugar Factory Control Act, 1950. The Cane Commissioner Sindh submits that under the law crushing may not be stopped, during crushing season, in the absence of cogent justifiable reason/s. He further submits that he has received *no-cane intimations* from 13 sugar mills informing him that cane supply position to their sugar mills is not improving and they are facing *no-cane* situation since start of the crushing season. They further mentioned that their mills have stopped due to the *no-cane* situation from 16.12.2019. He further submits that this is a recent development and he will examine this matter and take the relevant measures in accordance with the law.

Adjourned to 30.01.2020. Copy of this order may be transmitted to the learned Additional Advocate General and Cane Commissioner for compliance. Office is directed to place copy of this order in connected petitions listed above.

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