

**SUPREME COURT OF INDIA**

Food Corporation of India

Vs.

Bihar State Agricultural Market Board

C.A.No.2110 of 1989

(B. N. Kirpal and M. B. Shah, JJ.)

20.01.2000

**ORDER**

1. The question involved in this case is whether on levy sugar which is sold by the appellant market fee is payable or not. This matter stands concluded in favour of the appellant by a Constitution Bench judgment of this Court in Belsund Sugar Co. Ltd. v. State of Bihar, 1999 (4) Scale 516 : (1999 AIR SCW 3074 : AIR 1999 SC 3125). The appeal is, accordingly, allowed. No costs.

2. This order, as it had been done in Belsund Sugar Co. Ltd. (supra), will be effective prospectively and no refund of fee would be payable by the respondents to the appellant nor any further fee will be payable to the respondents by the appellant.

3. Delay condoned.

4. Special leave granted.

5. The prosecution which has been initiated against the appellants is quashed in view of the decision of a Constitution Bench in Belsund Sugar Co. Ltd. v. State of Bihar, 1999 (4) Scale 516 : (1999 AIR SCW 3074 : AIR 1999 SC 3125).

6. The appeals are, accordingly, allowed.

7. No costs.

Appeals allowed.