

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.R.RAMACHANDRA MENON

FRIDAY, THE 20TH DAY OF MARCH 2015/29TH PHALGUNA, 1936

WP(C).No. 2976 of 2015 (V)

PETITIONER(S):

1. **M/S.MTC BUSINESS PVT. LTD.,
OLD NO. 3, NO. 12/4, 1ST FLOOR
DEVARAJU URS ROAD, OLD RACE COURSE, CROSS ROAD
BANGALORE - 560 001. REPRESENTED BY ITS
POWER OF ATTORNEY HOLDER M.MITHESH KUMAR
S/O.MAHAVEER CHAND CHAMPALAL
RESIDING AT 8/1 1ST CROSS, SHANKARAPURAM
BANGALORE - 560 004.**
2. **M.MITHESH KUMAR,
(POWER OF ATTORNEY HOLDER OF M/S. MTC BUSINESS PVT. LTD.),
S/O.MAHAVEER CHAND CHAMPALAL ,
RESIDING AT 8/1 1ST CROSS, SHANKARAPURAM,
BANGALORE - 560 004.**

**BY ADVS.SRI.PRAVEEN K. JOY
SRI.R.SATISH KUMAR
SRI.NIXON PAUL
SRI.E.S.SANEEJ
SRI.T.I.JOSHI**

RESPONDENT(S):

1. **M/S.FERTILIZERS AND CHEMICALS TRAVANCORE LTD., (FACT),
COCHIN DIVISION, AMBALAMEDU, KOCHI - 683 303,
REPRESENTED BY ITS GENERAL MANAGER.**
2. **THE GENERAL MANAGER,
M/S. FERTILIZERS AND CHEMICALS, TRAVANCORE LTD.,
(FACT), COCHIN DIVISION, AMBALAMEDU,
KOCHI - 682 303.**
3. **THE MANAGING DIRECTOR,
M/S. FERTILIZERS AND CHEMICALS TRAVANCORE LTD., (FACT),
COCHIN DIVISION, AMBALAMEDU, KOCHI - 682 303.**

BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
20-03-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

msv/

WP(C).No. 2976 of 2015 (V)

APPENDIX

PETITIONER(S)' EXHIBITS

EXT.P1: TRUE COPY OF THE POWER OF ATTORNEY.

**EXT.P2: TRUE COPY OF THE JUDGMENT DATED 20/01/2014 IN W.A.NO. 942/2013 OF
THIS HON'BLE COURT.**

**EXT.P3: TRUE COPY OF THE REPRESENTATION DATED 13/10/2014 FILED BY THE
PETITIONERS BEFORE THE RESPONDENTS.**

EXT.P4: TRUE COPY OF THE PROFILE OF THE 1ST PETITIONER COMPANY.

RESPONDENT(S)' EXHIBITS:

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv**/**

P.R. RAMACHANDRA MENON, J.

W.P(C). No. 2976 of 2015

Dated this the 20th day of March, 2015

J U D G M E N T

The petitioners have approached this Court with the following prayers:

- “(i) issue a Writ of Mandamus or any other appropriate Writ, Order or Direction, directing the respondents to permit the petitioners to visit the premises and take valuation of the entire scrapped goods as per Ext.P-2 Judgment and permit to submit the quotation and dispose of Exhibit P-3 Representation within a time frame fixed by this Hon'ble Court;*
- (ii) to issue such other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of this case.”*

2. Heard the learned counsel for the petitioners as well as the learned standing counsel appearing for the respondents.

3. The case of the petitioners is that, the petitioners have come to understand that the 1st respondent is taking steps to sell its scrapped ammonia/urea plant and the petitioners want to purchase the same satisfying the best possible price. It is in the said circumstances, that Ext.P3 representation has been preferred.

4. The learned standing counsel appearing for the

respondents submits that the subject matter involved herein, particularly, Ext.P2 judgment passed by the Division Bench of this Court is pending consideration before the Apex Court vide SLP No.7851/2014. No further steps can be pursued unless the matter gets finality before the Apex Court, though there is no stay. The learned counsel also submits that no steps have been taken by the respondent Company to issue any 'tender notification' with regard to the sale of the plant and that if the petitioners are desirous of purchasing the scrap, it is always open for the petitioners to participate in the bid as and when tender notice is issued in this regard.

In the above circumstance, this Court finds that nothing remains to be considered. The writ petition is disposed of, without prejudice to the rights and liberties of the petitioners to participate in the bid as and when the tender notice is issued.

Sd/-

P.R. RAMACHANDRA MENON, JUDGE.