

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2015

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P.NO. 6340 OF 2006

and

W.P.M.P. 6840 of 2006

1. Coimbatore District Mill Workers
Union, Regn. No. 84,
99, Ranga Konar Street
Kattur, Coimbatore-9.
Rep. by its General Secretary
M. Arumugam

2. Kovai Mavatta Panchali Anna
Thozhilar Sangam
Rep. by its Treasurer M. Gopal

Petitioners

Vs.

1. The Appellate Authority for Industrial
& Financial Reconstruction,
10th Floor, Jeevan Prakash,
25, Kasturba Gandhi Marg.,
New Delhi - 110 001.

2. Board of Industrial and Financial
Reconstruction
Jawahar Vyapar Bhawan
1, Tolstoy Marg
New Delhi- 110 001.

3. The Presiding Officer
Debts Recovery Tribunal
Coimbatore.

4. The Chairman
Karur Vysya Bank Ltd.,
Central Office, Erode Road
Karur - 639 002.

WEB COPY

5. Hamsavani Spinners (P) Ltd.,
Government of India Press Colony (P.O)
Coimbatore - 641 019.
Rep. by its Managing Director
Mr. C. Balakrishnan

.. Respondents

PRAYER: This Writ petition is filed under Article 226 of Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records pertaining to the Appeal No.218/03 dated 30.04.2005 on the file of the Appellate Authority for Industrial & Financial Reconstruction, New Delhi, the 1st respondent herein and quash the impugned order dated 30.04.2005 passed by the 1st respondent insofar as it permits the 4th respondent to prosecute the recovery proceedings pending before the 3rd respondent in O.A. Nos. 169/03, 170/03 and 171/03.

For Petitioners : Mr. K.V. Shanmuganathan

For Respondents : Mr. S. Silambanan, Sr. Counsel
for Mr. N. Umapathi for R5
R-1 to R-3 -- Court.
No Appearance for R4

O R D E R

This Writ Petition is filed by two Unions, seeking issuance of a Writ of Certiorari, to call for the records pertaining to the Appeal No.218/03 dated 30.04.2005 on the file of the Appellate Authority for Industrial & Financial Reconstruction, New Delhi, the 1st respondent herein and quash the same insofar as it permits the 4th respondent to prosecute the recovery proceedings pending before the 3rd respondent in O.A. Nos. 169/03, 170/03 and 171/03.

2. When the matter was taken up Mr. S. Silambanan, learned Senior Counsel appearing for the 5th respondent submitted that all the claims of the employees, who are members of the petitioners' union have been settled except Mr. M. Sivaswamy in favour of whom an Approval Petition is pending before the Industrial Tribunal. In the meanwhile, the 5th respondent Mill has been closed after selling all the machineries and plants and therefore, nothing survives in this petition. Mr. K.V. Shanmuganathan, learned counsel for the petitioners also agrees to the submission made by learned Senior Counsel.

3. Recording the statement of the learned counsel, the Writ Petition is closed. Consequently, the connected M.P is closed. No order as to costs.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

avr

To

1. The Appellate Authority for Industrial & Financial Reconstruction,
10th Floor, Jeevan Prakash,
25, Kasturba Gandhi Marg.,
New Delhi - 110 001.
2. Board of Industrial and Financial Reconstruction
Jawahar Vyapar Bhawan
1, Tolstoy Marg
New Delhi- 110 001.
3. The Presiding Officer
Debts Recovery Tribunal
Coimbatore.
4. The Chairman
Karur Vysya Bank Ltd.,
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SS1 (CO)
DRL :21/02/2015