

CR-2881-2003 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CR-2881-2003 (O&M).
Decided on: April 8, 2015.**

M/s Bharat Coking Coal Ltd.

..... Petitioner

Versus

Haryana State Small Industries and Export Corporation Ltd.

..... Respondent

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CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Vikas Singh, Advocate,
Ms.Sukhmani Tiwana, Advocate,
for the petitioner.**

**Mr.Rajesh Goyal, Advocate,
for respondent No.1.**

M.M.S. BEDI, J (ORAL).

Respondent No.1- Haryana State Small Industries and Export Corporation Ltd. had filed a suit for recovery against the defendant- petitioner. The said suit was decided on 2.1.1989 by the Sub Judge First Class, Chandigarh. The appeal filed by the petitioner in the Court of District Judge, Chandigarh, was dismissed on 28.9.1996. The execution application filed by the Decree Holder-respondent was resisted by the judgment debtor- petitioner, inter alia, on the ground that the industrial unit of the petitioner on account of

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financial crisis has become a sick unit under the Sick Industrial Companies (Special Provisions) Act, 1985, (for short 'The Act') as such no recovery could be effected as per the provisions of Section 22 of the said Act.

Learned counsel for the petitioner, on asking of the Court, regarding the present status of the petitioner, informs that the petitioner company has been revived and the BIFR has finally decided the matter.

Counsel for the petitioner has also raised other objection regarding execution.

In view of said fact, the petitioner is no more a sick unit, as such the provisions of Section 22 of the Act, will not be applicable. In view of above circumstances, the objection raised by the petitioner- judgment debtor has to be dismissed on the basis of subsequent event.

The petition is dismissed. Interim stay granted is hereby vacated.

April 8, 2015.
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(M.M.S. BEDI)
JUDGE