

IN THE HIGH COURT OF JUDICATURE AT PATNA

Company Appeal (DB) No.4 of 2015

In

Company Petition No.17 of 2003

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1. Bihar State Export Corporation Worker Union Through Its President, Mahakant Jha, Land Development Bank Building, 6th floor, Budha Marg, P.O. , G.P.O., P.S. - Kotwali, Patna - 1.
 2. Mahakant Jha son of Sri Rajendra Jha President, Bihar State Export Corporation Worker Union, resident of Kamakhya Bhawan, West Lohanipur, P.O. + P.S. Kadamkuan, Patna - 3.

... .. Appellant/s

Versus

1. The State of Bihar through Industrial Development Commissioner, Bihar, Patna.
2. Bihar State Export Corporation Ltd. Patna, Land Development Bank Building, 6th floor, Budha Marg, P.O. - G.P.O. , P.S. - Kotwali, Patna - 1 through its Managing Director.
3. The Official Liquidator, Patna High Court, Mauryalok Complex, Fraser Road, P.O. - G.P.O., P.S. - Kotwali, Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Prabhat Ranjan Singh, Advocate Mr. Rakesh Narayan Singh, Advocate Mr. Ramanj Tiwary, Advocate
For the Respondent/s	:	Mr. Bishwabibhuti Kumar, AC to AG
For the O.L.	:	Mr. Alok Kumar Agrawal, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 01-11-2017

This company appeal has been filed by the appellant-employees Union of Bihar State Export Corporation seeking quashing of the tenability of an order dated 29.1.2015 passed by the Company Court in Company Petition No. 17 of 2003 allowing an application filed by the Managing Director of the Corporation permitting winding up of the company and appointing the Official Liquidator.

Even though learned counsel for the appellants tried to argue by referring to certain documents that have come on record that the revival



of the company was possible and instead of making efforts for revival of the company the learned Company Court has committed an error in directing for its liquidation, we are of the considered view that the learned Company Court has gone into the detail with regard to various aspects of the matter, the supplementary affidavit and the counter affidavits filed by the State Government, examined the findings and status of the company and has recorded a finding based on due appreciation of evidence and materials which indicated that there is no possibility of revival of the company in question and therefore directed for its liquidation.

In our considered view, the finding recorded by the Company Court is finding of fact in exercise of his jurisdiction under law after appreciating the materials that have come on record and in a proceeding of appeal under Section 10F of the Companies Act, we find no substantial question involved in the matter warranting reconsideration.

The appeal is therefore, dismissed.

(Rajendra Menon, CJ)

spandey/-

(Anil Kumar Upadhyay, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.11.2017
Transmission Date	

