

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2017

CORAM:

The Hon'ble Mr.Justice T.S.Sivagnanam

W.P.No.30555 of 2004

M/s.Sree Rajeswari Mills Ltd.,
P.B.No. 41, Gudiyatham,
Vellore District - 632 602,
Rep by its Joint Managing Director,
M.A.Sampath Kumar.

..Petitioner

Vs.

The Superintendent of Central Excise,
Pernambut Forward Sector,
Gudiyatham, Vellor District.

..Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondent herein not to take any coercive action for realisation of the amounts due in respect of Central Excise duty against the petitioner Mill without the consent of BIFR.

For Petitioner : Mr. C.S.Dhanasekaran

For Respondent : Mr.A.P.Srinivas
Senior Standing Counsel

O R D E R

Heard Mr. C.S.Dhanasekaran, learned counsel appearing for the petitioner and Mr.A.P.Srinivas, learned Senior Standing Counsel for the respondent.

2. The petitioner has filed this Writ Petition to forbear the respondent from taking any coercive action for realisation of the amount in respect of central excise duty from the petitioner-Mill, without the consent of Board for Industrial Finance and Reconstruction (BIFR).

3. At the time, when the Writ Petition was filed, rehabilitation Scheme was pending before the BIFR, and therefore, the petitioner wanted a prohibitory order. The Court, while admitting the Writ Petition, granted an order of

interim injunction, dated 20.10.2004, with an observation that the said order will not prevent the respondent from taking further action, after obtaining consent from the BIFR. It is not known as to what happened, as of now, and by the efflux of time, the issue would have certain other developments. At present, if the proceedings were pending before the BIFR, it would have been abated in the light of the recent amendment to the Companies Act and bringing such matters within the jurisdiction of the National Company Law Tribunal.

4. In the result, the Writ Petition stands closed, with liberty to the respondent to take appropriate action in accordance with law, if still a need arises to do so. No costs.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

sli/sds

To

The Superintendent of Central Excise,
Pernambut Forward Sector,
Gudiyatham, Vellor District.

W.P.No.30555 of 2004

KS (CO)
VR (03/08/2017)

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