

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2017

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.11515 of 2003
and
W.P.M.P.No.14482 of 2003

The Tamil Nadu Alloy Foundry Company Ltd.,
Plots 21 & 22,
SIPCOT Complex, Hosur - 635 126,
Tamil Nadu. Petitioner

.. Vs ..

1. Board for Industrial and Financial
Reconstruction,
Jawahar Vyapar Bhavan,
1, Tolstoy Marg, Janpath,
New Delhi - 110 001.
2. Commissioner & Secretary to the Government,
Public Works Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
3. Industrial Finance Corporation of India Ltd.,
No.61, Nehru Place,
P.B.No.4499, New Delhi - 110 019. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, calling for the records of the first respondent and quash the order dated 28.01.2003 in case No.262/87 and consequently direct the first respondent to appoint an independent operating agency other than the Industrial Finance Corporation of India Ltd to finalise a package for rehabilitation of the petitioner taking into consideration all relevant factors including the claims of the petitioner against the Government of Tamil Nadu, Tamil Nadu Electricity Board, Financial Institution in regard to the Insurance Claims, Power Tariff Concessions exemption from power cut etc.

For Petitioner : T.Poornam
For R-2 : Mr.S.Pattabiraman
For R-3 : P.L.Narayanan

O R D E R

Heard Mr.T.Poornam, learned counsel appearing for the petitioner and Mr.S.Pattabiraman, learned counsel appearing for the second respondent and Mr.P.L.Narayanan, learned counsel appearing for the third respondent.

2. At the time of admission, this Court, by order dated 16.04.2003, in W.P.M.P.No.14482 of 2003 in W.P.No.11515 of 2003, has passed the following order:-

"The Learned Senior Counsel submits that today the meeting is in progress where the rehabilitation process of the petitioner Company is under discussion.

2. The grievance of the petitioner is that the report dated 18.10.2002, pursuant to which the impugned order has been passed by the respondents coming to the conclusion that the possibility of reviving the company was virtually nil, was not furnished to them.

3. In these circumstances, the respondents are directed to give the petitioner a copy of the report dated 18.10.2002 and give the petitioner six weeks time to come up with the proposal on the basis of the aforesaid report and thereafter come to a final decision regarding the petitioner Company.

4. It is open to the petitioner to communicate this order to the respondents right away. It is also open to the petitioner and the respondents to consider the proposal without bearing in mind the pendency of the writ petition and thereafter, report the same to the Court.

5. In the above circumstances, the respondents are directed to furnish a copy of the report dated 18.10.2002 and postpone the final decision for six weeks by which time the petitioner may furnish an alternate proposal for rehabilitation of the petitioner. Petitioner is also permitted to communicate this by wire."

3. It is common knowledge that Sick Industrial Companies Act, 1986 has been repealed with effect from 01.12.2016 on account of which BIFR and AIFR have become defunct.

4. In the light of the above, nothing survives in this writ petition and the same is accordingly dismissed as infructuous. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Jrl

To

1. Board for Industrial and Financial Reconstruction,
Jawahar Vyapar Bhavan,
1, Tolstoy Marg, Janpath,
New Delhi - 110 001.
2. Commissioner & Secretary to the Government,
Public Works Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
3. Industrial Finance Corporation of India Ltd.,
No.61, Nehru Place,
P.B.No.4499, New Delhi - 110 019.

+1cc to Mr.T.Poornam, Advocate SR.1373
+1cc to the Government Pleader Sr.2105

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W.P.No.11515 of 2003

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Srg 1/2/2017