

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2017

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.15356 of 2004

M/s.Sri Sudarsan Paper Mills Ltd.,
Rep. by its Authorised Signatory,
Mr.I.R.Srinivasulu, Mothapalayam,
Jadayampalayam, Srimugai,
Mettupalayam, Coimbatore - 641 302.

... Petitioner

Vs.

1. Board for Industrial Finance
and Reconstruction (BIFR),
Jawahar Vyapar Bhavan,
New Delhi - 110 001.
2. The Commercial Tax Officer,
Office of the Commercial Tax Officer,
Mettupalayam.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a WRIT OF CERTIORARI calling for the records pertaining to the proceedings of the second respondent bearing Ref: 1272/2000/A3 dated 03.11.2003 and quash the same.

For Petitioner : Mr.Jayeesh B Dolia

For 2nd Respondent : Mr.K.Venkatesh
Government Advocate

O R D E R

Heard Mr.Jayeesh B Dolia, learned counsel for the petitioner and Mr.K.Venkatesh, learned Government Advocate for the respondent. With the consent on either side, the writ petition itself is taken up for final disposal.

2.The petitioner has filed this Writ Petition challenging the recovery notice issued by the second respondent, dated 03.11.2003, on the ground that it is declared as a Sick Industry undertaking and the scheme of rehabilitation was being

considered by the first respondent, (BIFR). As of now BIFR has been wound up and all proceedings before the BIFR stand abated.

3. Therefore, the only option available to the petitioner is to move the National Company Law Tribunal, (NCLT), for which time frame has been stipulated. In any event, since there has been an interim order since 2004, the same shall operate till the petitioner moves NCLT for appropriate directions.

4. With the above observation, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS VIII)

//True Copy//

Sub Assistant Registrar

abr

To

The Commercial Tax Officer,
Office of the Commercial Tax Officer,
Mettupalayam.

+1cc to Mr. Aiyar & Dolia, Advocate, S.R.No.48903

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SSI (CO)
CA(03/08/2017)

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