

HONOURABLE SRI JUSTICE P.NAVEEN RAO
CIVIL REVISION PETITION NO.5666 OF 2010

Date: 03.08.2017

Between :

M/s BPL Engineering Limited, (Compressor Division)
carrying on business at Plot No.1 to 8, Phase-I,
I.D.A. Pashamylaram, Patancheru, rep.by its
Director

.... Petitioner/respondent/
judgment debtor

And

M/s. Ashok Brothers, a partnership (registered) firm,
Rep.by its Partner Mr. Madhusudhan Desai,
S/o Mr. Dadabhai Desai, Aged 55 years, occu:Business,
Carrying on business at premises No.4-4-164,
Mahankali Street, Secunderabad.

.... Respondent/Petitioner/
decree holder



This Court made the following :

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ORDER :

On 08.11.2010, the Court of Senior Civil Judge at Sangareddy passed orders in E.A.No.38 of 2010 in E.P.No.61 of 2008, where under the Bailiff was permitted to break open the lock of E.P. schedule property to enable to execute the warrant and allowed the petition as prayed for. Petitioner challenges the same.

2. The grounds of challenge to the order of Court below is on the ground that petitioner-company was registered with the Board for Industrial and Financial Reconstruction (BIFR) and, therefore, at this stage, if the order of attachment is implemented, it would prejudice the proceedings pending.

3. It is relevant to note at this stage that w.e.f. 01.12.2016 the Sick Industrial Companies (Special Provisions) Act, 1985 (SICA), is repealed, where under the said proceedings were pending with BIFR and, therefore, the claim, as contended by the petitioner, does not survive any more after 01.12.2016. Thus, the cause in the revision petition does not survive for consideration at this stage. Accordingly, the revision petition is dismissed.

Miscellaneous petitions if any pending in this revision petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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Kkm

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