

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.20425 of 2007

ORDER:

This Writ petition, under Article 226 of the Constitution of India, is filed by M/s.Bharat Heavy Plate and Vessels Limited Employees Co-Operative Mutual Family Benefit Society Limited (for short 'the Society') to declare the action of the respondents in not remitting the amount recovered by the 1st respondent on behalf of the Society and the interest due thereon, having wrongfully withholding the same and the other amounts due from 01.04.2007 onwards, as illegal and arbitrary.

Heard and perused the material available on record.

On 06.12.2007 in WPMP No.26416 of 2007, this Court directed the 1st respondent to remit the amounts to the Society as confirmed by them vide their letter, dated 09.06.2007, within a period of two months from that day.

Learned counsel for the 1st respondent submitted that in pursuance to the interim orders passed by this Court on 06.12.2007 in WPMP No.26416 of 2007, the 1st respondent has deposited the entire amount to be paid to the Society and the interest amount is not yet paid due to financial crisis, and that the 1st respondent company is not in existence now and amalgamated with BHEL. He further submitted that the Society can make a representation to the company in which the 1st respondent Company was amalgamated with regard to the claim of interest portion, and the same will be considered if the members of the society are entitled.

Considering the facts and circumstances of the case and the submissions of the learned counsel for the 1st respondent company, the petitioner Society is directed to make a representation before the Company concerned, with regard to their entitlement of the interest portion on the amount already deposited by the 1st respondent company and on such representation being filed, the authorities of the company concerned, are directed to consider the same and pass appropriate orders as expeditiously as possible.

With the above directions, the writ petition is disposed of. No order as to costs. Miscellaneous petitions pending if any, shall stand closed.

February 10, 2017.
KTL



RAJA ELANGO, J

