

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WP No. 949 of 2001**

M/s. Central Bag Company Limited, having its registered office at Kolkata (W.B.) and factory at Raigarh (C.G.) A Public Limited Company incorporation the Companies Act, 1956 Through its Director J.K. Sharma, S/o. Shri G.S. Sharma, Aged about 38 years, Resident of Salkia, Howrsh 6 (W.B.)

---- Petitioner**Versus**

1. State of Chhattisgarh, Through Labour Secretary, Government of Chhattisgarh, D.K.S. Bhawan, Raipur, District Raipur, Chhattisgarh.
2. Dy. Labour Commissioner, Government of Chhattisgarh, Kacheri Chowk, Raipur, Chhattisgarh
3. Collector, Raigarh, Chhattisgarh
4. Tahsildar, Raigarh, Chhattisgarh
5. General Secretary, Raigarh Jute Mill Labour Union, Raigarh, Chhattisgarh

----Respondents

For Petitioner	:	Mr. Abhishek Sinha, Advocate
For State	:	Mr. Syed Majid Ali, Dy. G.A.
For Intervenor	:	Mr. S.P. Kale, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****09/07/2018**

1. The challenge in the present writ petition is to the order dated 12.06.2001, whereby the Tahsildar has initiated steps for sale of the movable and immovable property in the name of the petitioner i.e. M/s. Central Bag Company Limited or its Director Kavita Agrawal.
2. The counsel for the petitioner submits that so far as the petitioner is concerned, it is a separate company by itself, incorporated under the provisions of Companies Act, 1956 and is an independent distinct entity and a separate juristic firm and therefore the respondents could not have attached the property of the petitioner while executing

some other order passed against some other firm, where Kavita Agrawal happens to be wife of one of the Directors.

3. The facts of the case is that the Deputy Labour Commissioner, State of Chhattisgarh vide order dated 29.01.2001 whereby an order under Section 33(c)(i) of the Industrial Disputes Act was passed and a recovery order of Rs.63,64,800/- was passed against M/s. Mohan Jute Mill Limited, Raigarh and its management.
4. The petitioner submits that M/s. Mohan Jute Mill has its own exclusive premises owned by it in Raigarh district and the petitioner's firm also has its property adjacent to the said property and the respondents have now initiated steps for recovering the amount reflected in the order dated 29.01.2001 from the movable and immovable properties belonging to the petitioner, whereas they are not taking steps for recovering the same from the property which stands in the name of M/s. Mohan Jute Mill. Thus prayed for a relief to the extent that they be given the protection of their property not being put in sale rather the execution may be done with the properties which otherwise stands in the name of M/s. Mohan Jute Mill.
5. The counsel for the State as well as the counsel appearing for the Intervenor opposing the petition submits that the petitioner's firm also is sister concern of M/s. Mohan Jute Mill and the Directors here are also related to each other and the premises also is the same premises and Kavita Agrawal is also a shareholder in the M/s. Mohan Jute Mill and therefore the order passed by the respondents cannot be found fault with.

6. Having heard the contentions put forth on either side and on perusal of the record, what clearly reflects from the order of the Tahsildar dated 08.06.2001 is that M/s. Mohan Jute Mill's property situates at khasra No.33/1 measuring 1.693 hectares, whereas as per the petitioner, their property is situated at khasra No. 12 and measures 2.13 hectares. Moreover there is no dispute so far as the fact that the petitioner's firm by itself is a juristic firm and is an independent distinct entity by virtue of being a company registered under the provisions of Companies Act. So is also M/s. Mohan Jute Mill which again is a juristic firm and is an independent distinct entity.
7. From the submissions that have been made by the counsel for either side, it reflects that both M/s. Mohan Jute Mill as well as M/s. Central Bag Company Ltd. also have separate properties in district Raigarh. The order under Section 33(c)(i), passed by the Deputy Labour Commissioner, State of Chhattisgarh is against M/s. Mohan Jute Mill, Raigarh. The execution of that order obviously has to be from the movable and immovable property which stands exclusively in the name of M/s. Mohan Jute Mill Ltd.
8. The respondents by no means can go and attach a property of the petitioner's company or its Director for execution of some awards passed under the provisions of the Industrial Disputes Act in the name of M/s. Mohan Jute Mill, who in itself has separate properties available in Raigarh. Since the petitioner is an independent body in itself and a separate company created under the Companies Act, the properties which is in the name of the petitioner's company cannot be put to sale for the purpose of execution of an award, which has been

passed in respect of an entirely different company registered under the Companies Act and who has a separate Board of Directors.

9. Given the aforesaid facts and circumstances of the case, the writ petition to the extent stands allowed in as much as the respondents are restrained from putting the property in the name of M/s. Central Bag Company Limited or in the name of Kavita Agrawal, who is the Director of the petitioner company.
10. Accordingly, the impugned order of attachment (Annexure P/4) dated 03.04.2012 and also the order dated 08.06.2001 (Annexure P/9) rejecting the objection of the petitioner, stand quashed.
11. Needless to mention that the respondent authorities would be at liberty for putting to sale the movable and immovable properties, which otherwise stands exclusively in the name of M/s. Mohan Jute Mill or in the name of the Directors of M/s. Mohan Jute Mill.
12. The writ petition to that extent stands allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge