

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.02.2018

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.8093 of 2006
&WMP.No.9032 of 2006

M/s.Arvind Remedies Ltd.,
rep.by its Company Secretary,
Mr.K.Hariprasath,
No.190, Poonamallee High Road,
Chennai-600 084.

... Petitioner

Vs.

National Pharmaceutical Primcing Authority,
Department of Chemiclas & Petrochemicals,
Ministry of Chemicals & Fertilizers,
Government of India,
No.5, III rd Floor,
YMCA Cultural Central Centre Building,
No.1, Jai Singh Road,
New Delhi-110 001.

.... Respondents

PRAYER:Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records leading to the passing of the impugned order dated 29.08.2005 and the consequential demand reference no.nil dated 11.11.2005 issued by the respondent and to quash the same.

For Petitioner : Mr.R.Ramesh for M/S.K.Bijai Sundar

For Respondent : Mr.T.V.Krishnachari
Central Government Standing Counsel

ORDER

The petitioner has filed this writ petition challenging the demand issued by the respondent dated 29.08.2005, which is to the following effect:-

'In exercise of provisions of Para-13 of DPCO'95, your company is hereby directed to deposit

total amount of Rsr.8,46,139/- (Rupees Eight Lakh forty six thousand one hundred thirty nine only) ie. Rs.3,31,899/- towards the overcharged amount and Rs.5,14,240/- towards interest amount, as per annexure I and II, with the Government of India, before 29.09.2005. The aforesaid amount may be deposited by way of demand draft drawn in favour of ''The Pay and Accounts Officer (NPPA), Deptt. of Chemicals & Petrochemicals, Ministry of Chemicals & Fertilizers, New Delhi.''

2. The learned counsel for the petitioner has filed a memo stating that C.P.No.123/2016 was filed to windup the petitioner's Company in which the Company Court by order dated 17.10.2016 has appointed the Official Liquidator as Provisional Liquidator of the petitioner's Company. Therefore, the respondent cannot now seek to enforce the demand against the petitioner and it is for the Official Liquidator to consider the claim and take appropriate action.

3. Therefore, the writ petition stands disposed of giving liberty to the respondent to file claim petition before the Official Liquidator which shall be considered and adjudicated on merits. Since this writ petition is pending since 2006, the claim petition shall be considered by the Official Liquidator and adjudicated on merits without rejecting the same on the ground of limitation. The respondent is directed to file the claim petition before the Official Liquidator within a period of 60 days from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sk/abr

To

National Pharmaceutical Primcing Authority,
Department of Chemiclas & Petrochemicals,
Ministry of Chemicals & Fertilizers,
Government of India,
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+ 2 cc to Mr.T.V.Krishnachari Advocate,SR.7828

+ 1 cc to M/S.K.Bijai Sundar Advocate,SR.7902

W.P.No.8093 of 2006

ssd(co)
nr 26/02/2018



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