HONOURABLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.8181 OF 2005

ORDER:

This writ petition is filed to declare the demand Notice, dated 31.3.2005 issued by the Mandal Revenue Officer, Kurnool as illegal and contrary to the provisions of the Sick Industrial Companies (Special Provisions) Act 1985.

On 13.4.2005, interim direction was granted by this Court suspending the said notice.

Brief facts of the case, which are relevant for disposal of the case are that the petitioner company under the management of old promoters has become sick and got closed in the year 1989, before it was referred to the BIFR for rehabilitation; BIFR sanctioned the rehabilitation scheme in the year 1995 changing the management in favour of the new promoters; the said sanctioned scheme was challenged before the AAIFR and the matter was carried to the Supreme Court and finally AAIFR sanctioned a modified rehabilitation scheme, dated 20.7.2005 as per the orders of the Supreme Court; the new promoters reopened the mill and started partial production in 2007; after filing of the writ petition, the composite State of Andhra Pradesh extended certain reliefs/concessions in favour of the petitioner company with respect to the issues relating to the departments of Forest, Revenue (CT), Revenue (LA) Departments and AP TRANSCO *vide* G.O.Rt.No.663, dated 31.10.2009; in the said G.O., it was decided to extend the benefits to the company by waiving of all dues payable to Forest Department, Commercial Tax Department and the A.P. Central Power Distribution Corporation Limited

amounting to Rs. 20.12 crores, apart from other benefits; and that the petitioner company made several representations to the respondents to extend the said benefits to the Company.

Heard the learned counsel for the petitioner-Company and Mr. N.Siva Reddy, the learned Standing Counsel for the fourth respondent.

In view of the facts and circumstances explained above, the petitioner is directed to submit representation before the District Collector, Kurnool and on receipt of such representation, the first respondent shall consider the same in the light of G.O.Rt.No.663, Industries & Commerce (IP) Department, dated 31.10.2009 and pass appropriate orders thereon, as expeditiously as possible. Till passing of the orders by the first respondent, the demand notice dated 31.3.2005 issued by the Mandal Revenue Officer shall be kept in abeyance.

The writ petition is, accordingly, disposed of. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 24.7.2018
Slk

HONOURABLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

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