

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.3138 OF 2009

ORDER:

Heard learned counsel for the petitioner and Sri B.G.Ravinder Reddy, learned Standing counsel for respondents 3 and 4.

This writ petition is filed seeking the following relief :-

“.....WRIT OF MANDAMUS declaring the action of the 4th respondent, ESI in not implementing the Sanctioned Scheme dated 09.01.2008 in Case No.116/2004 on the file of the 1st respondent, as arbitrary, illegal, unjust and violative of the provisions of Sick Industrial Companies (Special Provisions) Act, 1985 and also violative of Articles 14, 19(1)(g) and 21 of the Constitution of India; consequently direct the 3rd and 4th respondents, ESI to follow and implement the Sanctioned Scheme as approved by the 1st respondent by Orders dated 09.01.2008 in Case No.116/2004 on its file by reconciling the dues of the Petitioner-Company by taking assistance of any financial expert or any other mode, etc., in the interest of justice.....”

It has been contended by the petitioner-Company that respondents 3 and 4-the Employees State Insurance Corporation (ESI) are not implementing the orders dated 09.01.2008 passed by the Board for Industrial and Financial Reconstruction (BIFR) in Case No.116/2004, though they are bound to implement, as ESI is also a party to the BIFR proceedings.

Therefore, learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to implement the BIFR order dated 09.01.2008.

Learned Standing counsel appearing for the respondents contends that case of the petitioner would be considered and appropriate orders would be passed, if only petitioner submits a representation to the respondents.

This Court, having considered the rival submissions of the learned counsel appearing for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioner to submit a fresh representation to the respondents within four (04) weeks from the date of receipt of a copy of this order seeking implementation of the BIFR order dated 09.01.2008 and upon receipt of such representation, the respondents shall consider the same and pass appropriate orders in accordance with law in another eight (08) weeks thereafter.

With the above direction, this writ petition is disposed of.
No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

Date: 14-02-2020
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