

29.11.2021
jb.

W.P.A. 17444 of 2021

M/s National Jute Manufacturers Corporation Ltd. & Anr.
vs.
The Employees State Insurance Corporation & Ors.

Mr. Arunava Sengupta
Ms. Manisha Chatterjee
.... For the Petitioners

Mr. Shiv Chandra Prasad
.... For the Respondents

Heard learned counsels for the parties.

The contention of the petitioner company is that the company was declared a sick company under the Sick Industrial Companies Act and referred to BIFR and by final order passed by BIFR on 8th July, 2004 the company was recommended to be wound up and by an order dated 6th January, 2005 passed by this Court the said recommendation of the BIFR was accepted. Respondent Nos. 1 and 2 have been continuously demanding their dues in terms of interest and damages from time to time which amounts to a huge sum. The petitioner company paid a total contribution amount of Rs.1,52,99,116/- despite which respondent No. 3 issued an attachment order on 25th October, 2021

directing the Branch Manager, Bank of India, Kolkata Main Branch to transfer forthwith the amount of money claimed by the ESIC against the impugned certificate case No. C-21973/11-12/RRC and others dated 4th October, 2021.

Learned counsel for the petitioners submits that the petitioner company intends to clear the principal amount due prior to winding up and as such the order of attachment may be removed.

Learned counsel for the respondents, in refuting the argument of the petitioners, submits that the due amount is as high as 3 crores and odd.

It is not in dispute that the amount of Rs.3,33,08478/- is due from the petitioner company and an order of attachment of the bank account of the petitioner company was issued on 25th October, 2021. The petitioners undertake to deposit Rs. 50,00,000/- with the respondent authorities by 20th December, 2021 and further undertake to clear the entire dues after receipt of budgetary allotment from the Union of India within 30th April, 2022.

Accordingly, the petitioners are at liberty to deposit Rs.50 lakhs with the respondent authorities

within 20th December, 2021 and after such deposit being made, the bank account of the petitioner company with the Bank of India, Kolkata Main Branch be released from attachment.

It is made clear that in default of depositing the entire amount as undertaken by the petitioners, the respondent authorities shall be at liberty to take necessary steps in accordance with law.

W.P.A. 17444 of 2021 is thus disposed of.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)