



W.P. No. 3043 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 3043 of 2016

V.Shanmugam

... Petitioner

-VS-

The Board for Industrial and
Financial Reconstruction (BIFR)
Rep. by its Chairman and Hon'ble Member
Jawahar Vyapar Bhavan
1, Tolstoy Marg
New Delhi – 110 001.
Respondent

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Respondent to consider the Petitioner's application dated 07.10.2015 filed under Sub-Section (1) and (2) of Section 15 of Sick Industries Companies Act, 1985 submitted as per the direction of the Court made in Criminal R.C. No. 941 of 2009 dated 06.07.2015 to implead the Petitioner as one of the necessary party /creditor in B.I.F.R. No. 236 of 2002 pertaining to M/s. Sri Venkatesa Paper & Board Ltd., pending on the file of Respondent.

For Petitioner : Mr. S.Samuel Rajapandian

For Respondents : No appearance



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ORDER

Heard Mr. S.Samuel Rajapandian, Learned Counsel for the Petitioner and perused the materials placed on record, apart from the pleadings of the parties.

2. It is borne out from the record that by Order dated 06.07.2015 in Criminal R.C. No. 971 of 2009 dated 06.07.2015, this Court had issued a direction to the parties thereto to appear before the Respondent, viz., the Board for Industrial and Financial Reconstruction (BIFR), and file a detailed report with regard to the transaction taken between them after the declaration, and in turn, BIFR was directed to take stringent or appropriate action against the parties for not disclosing the fact before it.

3. It is the case of the Petitioner that in furtherance to the said order, he had made an application dated 07.10.2015 under Section 25 of Sick Industries Company Act, 1985 to implead himself as one of the necessary parties/creditor in proceedings in BIFR No. 236 of 2002 pertaining to M/s. Sri Venkatesa Paper & Boards Ltd. (SVPBL) on its file, but as no action was taken thereon, this Writ Petition had been filed to direct the Respondent to consider the said application filed by him.



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4. It has been brought to notice that the Respondent has sent a Letter in F.No.236/2002/Bench-1 dated 18.02.2016 to the Registry of this Court with copy to the Petitioner stating that the case of M/s. Sri Venkatesa Paper & Boards Ltd., has been abated on 16.03.2012 and as such, no proceedings is pending. In such circumstances, nothing remains for further consideration in the Writ Petition, but it would not preclude the Petitioner from working out his rights, if he has any grievance, before the proper forum in the manner recognized by law.

In fine, the Writ Petition is disposed on the aforesaid clarifications. No costs.

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Index: Yes/No

Note: Issue order copy by 16.11.2022.



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P.D. AUDIKESAVALU, J.

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