

IN THE HIGH COURT OF JUDICATURE AT PATNA
COMPANY APPEAL(DB) No.5 of 2024
In
COMPANY PETITION No.3 of 1984

Dr. Om Prakash Lal Son of Late Shiv Prakash Lal Resident of Basawan Path
Khatik Tola, Dalia Nagar, P.S.- Dehri, District - Rohtas.

... .. Appellant/s

Versus

Rohtas Industries Ltd. (In Liquidation) Patna, Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Dhirendra Singh, Advocate
For the Respondent/s	:	Mr.Gautam Kumar Kejriwal, Advocate
		Mr.Atal Bihar Pandey, Advocate
		Mr.Alok Kumar Jha, Advocate
		Mr.Mukund Kumar, Advocate
		Mr.Akash Kumar, Advocate
		Mr.Aditya Raman, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 21-10-2024 The appellant has prayed for the following relief:-

“1. That this memo of appeal is being filed against the order/judgment dated 11.01.2024 passed in company petition no. 03 of 1984 (in item (ii) I.A. No. 270/2019) by Hon’ble Justice Dr. Anshuman by which the Hon’ble Justice did not consider the grievance of the appellant as per Annexure-1 & 2 of the company petition.”

2. Gist of the matter is that appellant was appointed as
a Medical Officer in the Rohtas Industries Ltd. (In Liquidation)
on 04.06.1984. He was allotted Quarter No. D Type 43 on



08.06.1984 within a span of three months the aforementioned company Rohtas Industries Ltd. (In Liquidation) was closed on 09.09.1984.

3. On the other hand, learned counsel for the appellant submitted that the aforementioned quarter was in possession by the appellant till 30.12.1999, the date on which someone has unlocked and illegally taken over the possession. Resultantly, appellant is stated to have filed a complaint before Sub Divisional Magistrate, Dehri, (Dalmiya Nagar). Thereafter, notice was issued by the SDM, Dehri on 19.01.2000 to one Shri. Arbind Kumar Singh who was alleged to be residing in the aforementioned quarters.

4. In this backdrop, it is necessary to take note of few facts of the case, namely, in the month of December, 1995 official liquidator has taken over the subject quarter, in that event how the appellant can contended and give complaint on 30.12.1999 to Sub Divisional Magistrate, Dehri, (Dalmiya Nagar) that subject – quarter was in his possession, and further notice is stated to have been issued by the SDM, Dehri on 19.01.2000. The appellant had cause of action in the month of December, 1995 in which month the official liquidator is stated to have taken over the subject Quarter No. D Type 43. On the



other hand, he has slept over the matter till filing of Interlocutory Application No. 270 of 2019. Assuming that he was in possession of the subject – quarter from 08.06.1984 till 30.12.1999, he had not produced any material evidence like electricity, water charge paid or rent paid receipt.

5. That apart, large number of litigations were pending consideration and it has attained finality insofar as illegal occupying the quarters and so also ex-employees of the Rohtas Industries Ltd. (In Liquidation) who were allotted quarters they had a cause that they are entitled to retain their quarter. It has attained finality before the Hon'ble Supreme Court in two sets of litigations which were decided on 19.01.2024 and 26.02.2024 and they have been placed on record on behalf of official liquidator along with the counter affidavit and the present appeal as Annexure-R/4 and R/5 respectively. Directions of the Hon'ble Supreme Court is crystal clear so as to not to entertain any claim pursuant to 26.02.2024 order with certain observations. In fact, appellant had chance of claiming relief before the Hon'ble Supreme Court or he could have utilized the observation made by the Hon'ble Supreme Court in its order dated 19.01.2024 and 26.02.2024 till date he has not utilized such observation to the extent for filing affidavit before



the official liquidator with necessary material. Therefore, appellant has not made out a case so as to interfere with the impugned order dated 11.01.2024 passed in company petition no. 3 of 1984.

6. Accordingly, the present Company Appeal (DB) No. 5 of 2024 stands dismissed.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

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