

W.P.A. 1609 of 2006

**MAMC Employee's Cooperative Credit Society Limited & Anr.
Vs.
Union of India & Ors.**

Mr. Susanta Pal

...for the petitioners

The writ petition is taken up for consideration pursuant to the order dated 9th January, 2024 in order to grant opportunity to the learned advocate representing the petitioners as to explain how existence of MAMC Employees' Cooperative Credit Society Limited can be accepted in order to grant relief as prayed for in this writ petition by way of giving direction upon the concerned authority of Ministry of Heavy Industries to make payment of Rs. 2,31,11,583.09/- which, according to the petitioners, was due up to 31st March, 2002. From the letter of the MAMC Employees' Cooperative Credit Society Limited dated 22nd August, 2005 it appears that there is an admission on the part of the petitioners that winding up of MAMC Limited was confirmed by BIFR and AAIFR. It is also stated in the said letter dated 22nd August, 2005 that in view of winding up of MAMC Limited the authority made payment to the employees of MAMC Limited against premature retirement of the employees under VRS and VSS Scheme.

Having seen this letter dated 22nd August, 2005 of the MAMC Employees' Cooperative Credit Society Limited

it can be construed that there is an admission on the part of the society that under the Scheme of VRS and VSS employees retired prematurely and payment was made to them by the authority.

In the present writ petition, the society is claiming release of dues to the tune of Rs. 2,31,11,583/- up to 31st March, 2002.

However, Mr. Susanta Pal, learned advocate representing the society submits that though winding up was confirmed by BIFR and AAIFR, but the same is pending before this Court and the fate of the winding up proceeding will depend upon the outcome of the said proceeding.

In view of the aforesaid scenario this Court does not find it proper to direct the respondent authorities to make payment as claimed by the petitioners' society as it appears from the letter dated 22nd August, 2005 in view of pendency of the winding up proceeding before the High Court.

Accordingly, the writ petition stands disposed of thereby granting leave to the petitioners' society to renew its prayer, if necessary and if permissible under the law after conclusion of the winding up proceeding which is pending before the High Court.

However, there shall be no order as to costs.

Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(Saugata Bhattacharyya, J.)