

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTY THIRD DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE T.VINOD KUMAR

COMPANY APPLICATION Nos. 275, 277, 279, 281, 283, 285, 287, 289, 2091,
2093, 2095 and 2097 of 2009 and COMPA Nos. 208 and 210 of 2010

In the matter of the Companies Act, 1956

And

In the matter of M/s. Tungabhadra Industries Ltd. (In Liquidation)

Company Application No. 275 of 2009

Between:

1. T.SUNDAR RAO (died per LR), S/o.Late T. Samuel
2. T.Parimala, D/o Late T.Sundar Rao, aged 28 yrs., R/o.Door No.50/760-D-14, Birla Quarters, Tungabhadra Industries Ltd., Workers Quarters, Devanagar,Kallur Village, Kurnool District (Applicant No.2 brought on record as LR of deceased applicant No.1 [(Late T.Sunder Rao) as per the Hon'ble Court Order dtd.14.03.2018])
...APPLICANT

AND

1. THE OFFICIAL LIQUIDATOR, High Court of Andhra Pradesh At Hyderabad (3-5-398, 1st Floor, Kendriya Sadan, Sultan Bazar, Koti, Hyderabad)
2. State Bank of India , Kurnool Branch, Kurnool.

(R -2 impleaded as per court order dated 23-07-2013 vide Compa No. 817 of 2013.)
...RESPONDENTS

Appeal Under Section 457, 458 & 460 of Companies Act R/w. Rule 9 of the Company Court Rules, 1959 praying that this Hon'ble Court may be pleased to Directing the official liquidator to desist from claiming the possession of the house premises bearing Door No. 50/760-D-14 of survey No.755/A, Tungabhadra Industries workers Quarters (Birla Quarters)

Devanagar, Kallur Village, Admeasuring 58 Sq.yards and further direct to do all acts to execute in the name and on behalf of the company, the appropriate sale deeds or documents in the favour of the applicant herein in the interest of Justice.

This Application coming on for orders upon reading the Judge's Summons and the affidavit dated 08-10-2007 and filed by Sri T. Sundar Rao, Applicant in support of the application and upon hearing the arguments of Sri A. Rama Subbaiah, Advocate for the Applicant and of Sri G. Kalyan Chakravarthy, SC for Official Liquidator for Respondent No. 1 and Sri M. Srikanth Reddy, Advocate for the Respondent No. 2

COMPANY APPLICATION NO. 277 OF 2009

In

R.C.C. NO. 22 OF 2000

Between:

K.RAMUDU, S/o.Hanumappa R/o. Door No.50/760-D-24, Birla Quarters, Tugabhadra Industries Ltd. Workers Quarters, Devanagar, Kallur Viillage, Kurnool, Kurnool District. **...APPLICANT**

AND

1. THE OFFICIAL LIQUIDATOR, High Court of Andhra Pradesh At Hyderabad (3-5-398, 1st Floor, Kendriya Sadan, Sultan Bazar, Koti, Hyderabad)
2. State Bank of India, Kurnool Branch, Kurnool Rep. by its Chief Manager.

(R -2 impleaded as per Court order dated 23-07-2013 vide Company Application No. 818 of 2013.) **...RESPONDENTS**

Appeal Under Section 457, 458 & 460 of Companies Act R/w. Rule 9 of the Company Court Rules, 1959 praying that this Hon'ble Court may be pleased to Directing the official liquidator to desist from claiming the possession of the house premises bearing Door No.50/760-D-24 of survey No. 755/A, Tungabhadra industries workers Quarters (Birla Quarters)Devanagar, Kallur Village, Admeasuring 58 Sq. yards and further direct to do all acts to execute in the name and on behalf of the company, the appropriate sale deeds or documents in the favour of the application herein in the interest of Justice

This Application coming on for orders upon reading the Judge's Summons and the affidavit dated 08-10-2007 and filed by Sri K. Ramudu , Applicant in support of the application and upon hearing the arguments of Sri A. Rama Subbaiah, Advocate for the Applicant and of Sri G. Kalyan Chakravarthy, SC for Official Liquidator for Respondent No. 1 and Sri M. Srikanth Reddy , Advocate for the Respondent No. 2

COMPANY APPLICATION 279 OF 2009

IN

R.C.C. NO. 22 OF 2000

Between

B. Nagaiah S/o. B. Rangaiah R/o. Door No. 50 / 760 -D-5, Birla Quarters, Tungabhadra Industries Ltd., Workers Quarters, Devanagar, Kallur Village, Kurnool Kurnool Dist. A.P. .. Applicant

And

1. THE OFFICIAL LIQUIDATOR, High Court of Andhra Pradesh At Hyderabad (3-5-398, 1st Floor, Kendriya Sadan, Sultan Bazar, Koti, Hyderabad)
2. State Bank of India , Kurnool Branch, Kurnool Rep. by its Chief Manager.

(R -2 impleaded as per Court order dated 23-07-2013 vide Company Application No. 819 of 2013.)
...RESPONDENTS

Appeal Under Section 457, 458 & 460 of Companies Act R/w. Rule 9 of the Company Court Rules, 1959 praying that this Hon'ble Court may be pleased to Directing the official liquidator to desist from claiming the possession of the house premises bearing Door No.50/760-D-24 of survey No. 755/A, Tungabhadra Industries workers Quarters (Birla Quarters)Devanagar, Kallur Village, Admeasuring 58 Sq. yards and further direct to do all acts to execute in the name and on behalf of the company, the appropriate sale deeds or documents in the favour of the application herein in the interest of Justice

This Application coming on for orders upon reading the Judge's Summons and the affidavit dated 08-10-2007 and filed by Sri B. Nagaiah, Applicant in support of the application and upon hearing the

arguments of Sri A. Rama Subbaiah, Advocate for the Applicant and of Sri G. Kalyan Chakravarthy, SC for Official Liquidator for Respondent No. 1 and Sri M. Srikanth Reddy, Advocate for the Respondent No. 2

COMPANY APPLICATION NO. 281 OF 2009

IN

R.C.C. NO. 22 OF 2000

Between:

P. Vidyullatha W/o. P. Kumar Reddy, D/o. P. Eswar Reddy, Aged 28 years, R/o. R/o. Door No. 50 / 733, Birla Quarters, Tungabhadra Industries Ltd., Workers Quarters, Gooty Road, Kurnool Kurnool Dist. A.P. .. Applicant

And

1. THE OFFICIAL LIQUIDATOR, High Court of Andhra Pradesh At Hyderabad (3-5-398, 1st Floor, Kendriya Sadan, Sultan Bazar, Koti, Hyderabad)
3. State Bank of India, Kurnool Branch, Kurnool Rep. by its Chief Manager.

(R -2 impleaded as per Court order dated 23-07-2013 vide Company Application No. 820 of 2013.)
...RESPONDENTS

Appeal Under Section 457, 458 & 460 of Companies Act R/w. Rule 9 of the Company Court Rules, 1959 praying that this Hon'ble Court may be pleased to Directing the official liquidator to desist from claiming the possession of the house premises bearing Door No.50/733, of survey No. 749 / 2 part Tungabhadra Industries workers Quarters (Birla Quarters) Tagore Nagar, Gooty Road, Kurnool, Kurnool District Admeasuring 612 Sq. ft and further direct to do all acts to execute in the name and on behalf of the company, the appropriate sale deeds or documents in the favour of the applicant herein in the interest of justice.

This Application coming on for orders upon reading the Judge's Summons and the affidavit dated 10-10-2007 and filed by Sri P. Vidyullatha, Applicant in support of the application and upon hearing the arguments of Sri K. Ramulu, Advocate for the Applicant and of Sri G. Kalyan Chakravarthy, SC for Official Liquidator for Respondent No. 1 and Sri M. Srikanth Reddy, Advocate for the Respondent No. 2

COMPANY APPLICATION NO. 283 OF 2009

IN

R.C.CNO. 22 OF 2000

Between:

G.P.MADULETI, S/o. Chinna Timmaah R/o. Door No.50/734, Birla Quarters,
Tungabhadra Industries Ltd. Workers Quarters. Tagore Nagar, Gooty Road, Kurnool
Kurnool Dist. A.P. **...APPLICANT**

AND

THE OFFICIAL LIQUIDATOR, High Court of Andhra Pradesh At Hyderabad (3-5-
398, 1st Floor, Kendriya Sadan, Sultan Bazar, Koti, Hyderabad)

...RESPONDENT

**Appeal Under Section 457, 458 & 460 of Companies Act R/w. Rule 9 of
the Company Court Rules, 1959 praying that this Hon'ble Court may be
pleased to Directing the official liquidator to desist from claiming the
possession of the house premises bearing Door No. 50 / 734, of survey
No.749/2 part Tungabhadra Industries workers Quarters (Birla Quarters)
Togore Nagar, Gooty Road, Karnool, Karnool Dist., Admeasuring 2052 Sq ft
and further direct to do all acts to execute in the name and on behalf of the
company, the appropriate or documents in the favour of the applicant herein
in the interest of Justice.**

**This Application coming on for orders upon reading the Judge's
Summons and the affidavit dated 10-10-2007 and filed by Sri G.P.
Madduleti, Applicant in support of the application and upon hearing
the arguments of Sri K. Ramulu, Advocate for the Applicant and of Sri
G. Kalyan Chakravarthy, SC for Official Liquidator for Respondent.**

COMPANY APPLICATION NO. 285 OF 2009

IN

R.C.C.NO. 22 OF 2000

Between:

S.IQBAL BASHA, S/O.Late S. Nazeer Ahmad R/o. Door No.50/739, Birla Quarters,
Tungabhadra Industries Ltd. Workers Quarters. Tagore Nagar, Gooty Road, Kurnool,
Kurnool District., A.P. **...Applicant**

AND

THE OFFICIAL LIQUIDATOR, High Court of Andhra Pradesh At Hyderabad (3-5-
398, 1st Floor, Kendriya Sadan, Sultan Bazar, Koti, Hyderabad.

...RESPONDENT

Appeal Under Section 457, 458 & 460 of Companies Act R/w. Rule 9 of the
Company Court Rules, 1959 praying that this Hon'ble Court may be pleased to
Directing the official liquidator desist from claiming the possession of the house
premises bearing Door No.50/739, of survey No.749/2 part Tungabhadra
Industries workers Quarters (Birla Quarters) Tagore Nagar, Gooty Road, Kurnool,
Karnool Dist., Admeasuring 1503 Sq. ft and further direct to do all acts to execute
in the name and on behalf of the company, the appropriate sale deeds or
documents in the favour of the applicant herein in the interest of Justice.

**This Application coming on for orders upon reading the Judge's
Summons and the affidavit dated 10-10-2007 and filed by Sri S.
IQBAL BASHA , Applicant in support of the application and upon
hearing the arguments of Sri K. Ramulu, Advocate for the Applicant and
of Sri G. Kalyan Chakravarthy, SC for Official Liquidator for
Respondent.**

COMPANY APPLICATION NO. 287 OF 2009

IN

R.C.C. NO: 22 OF 2000

Between:

A.FRANCIS, S/o. Late V.Dass R/o.Door No.50/743, Biirla Quarters, Tungabhadra Industries Ltd. Workers Quarters, Tagore Nagar, Gooty Road, Kurnool , Kurnool Dist. A.P. **...APPLICANT**

AND

THE OFFICIAL LIQUIDATOR, High Court of Andhra Pradesh At Hyderabad (3-5-398, 1st Floor, Kendriya Sadan, Sultan Bazar, Koti, Hyderabad)

...RESPONDENT

Appeal Under Section 457, 458 & 460 of Companies Act R/w. Rule 9 of the Company Court Rules, 1959 praying that this Hon'ble Court may be pleased to Directing the Official Liquidator to desist from claiming the possession of the house premises bearing Door No. 50/743, of survey No. 749/2 part, Tungabhadra Industries workers Quarters (Birla Quarters) Tagore Nagar, Gooty Road, Kurnool, Kurnool Dist., Admeasuring 1728 Sq. ft and further direct to do all acts to execute in the name and on behalf of the company, the appropriate sale deeds or documents in the favour of the applicant herein in the interest of Justice.

This Application coming on for orders upon reading the Judge's Summons and the affidavit dated 10-10-2007 and filed by Sri A. FRANCIS, Applicant in support of the application and upon hearing the arguments of Sri K. Ramulu, Advocate for the Applicant and of Sri G. Kalyan Chakravarthy, SC for Official Liquidator for Respondent.

COMPANY APPLICATION NO. 289 OF 2009

IN

R.C.CNO. 22 OF 2000

Between:

1. SMT. LINGAMMA , W/o Late Rood Singh, Door No.50/736, Birla Quarters, Tungabhadra Industries Ltd. Workers Quarters, Tagore Nagar, Gooty Road, Kurnool , Kurnool District.
2. R. VIJAY SINGH, S/o. Late Rood Singh, aged 26 years, Door No.50/736, Birla Quarters, Tungabhadra Industries Ltd. Workers Quarters, Tagore Nagar, Gooty Road, Kurnool , Kurnool District.
3. R. BHAVANI SINGH So. Late Rood Singh , aged 24 years, Door No.50/736, Birla Quarters, Tungabhadra Industries Ltd. Workers Quarters, Tagore Nagar, Gooty Road, Kurnool , Kurnool District.
4. R. VIKRAM SINGH S/o. Late Rood Singh , aged 22 years Door No.50/736, Birla Quarters, Tungabhadra Industries Ltd. Workers Quarters, Tagore Nagar, Gooty Road, Kurnool , Kurnool District.
...APPLICANT

AND

THE OFFICIAL LIQUIDATOR, High Court of Andhra Pradesh At Hyderabad (3-5-398, 1st Floor, Kendriya Sadan, Sultan Bazar, Koti, Hyderabad)
...RESPONDENT

Appeal Under Section 457, 458 & 460 of Companies Act R/w. Rule 9 of the Company Court Rules, 1959 praying that this Hon'ble Court may be pleased to Directing the official liquidator to desist from claiming the possession of the house premises bearing Door No. 50/736, of survey No.749/2 part Tungabhadra Industries workers Quarters (Birla Quarters) Tagore Nagar, Gooty Road, Kurnool, Kurnool Dist., Admeasuring 479.53 Sq. ft and further direct to do all acts to execute in the name and on behalf of the company, the appropriate sale deeds or documents in the favour of the applicant herein in the interest of Justice.

This Application coming on for orders upon reading the Judge's Summons and the affidavit dated 10-10-2007 and filed by Smt. LINGAMMA, Applicant in support of the application and upon hearing the arguments of Sri K. Ramulu, Advocate for the Applicant and of Sri G. Kalyan Chakravarthy, SC for Official Liquidator for Respondent.

COMPANY APPLICATION 2091 OF 2009

IN

R.C.C. NO. 22 OF 2000

Between:

S. DADA PEER, S/o M D Islam R/o Door No 50/740 , Birla Quarters Tungabhadra Industries Ltd Workers Quarters Tagore Nagar , Gooty Road, Kurnool , Kurnool District .A.P. **...APPLICANT**

AND

THE OFFICIAL LIQUIDATOR, high Court of Andhra Pradesh at Hyderabad (3-5-398 1st floor , Kendriya Sadan , Sultan bazar , koti, Hyderabad **...RESPONDENT**

Appeal Under Section 457 of Companies Act R/w. Rule 9 of the Company Court Rules, 1959 praying that this Hon'ble Court may be pleased to directing the official Liquidator to desist from claiming the possession of the house premises bearing door No. 50/ 740 of Survey No 749 / 2 part , Tungabhadra Industries Workers Quarters (Birla Quarters) , Tagore Nagar, Gooty road , Kurnool , kurnool District , admeasuring 672 sq. ft. and further direct to do all acts to execute in the name and on behalf of the company , the appropriate sale deeds or documents in the favour of the applicant herein in the interest of Justice .

This Application coming on for orders upon reading the Judge's Summons and the affidavit dated 14-12-2009 and filed by Sri S. Dada Peer, Applicant in support of the application and upon hearing the arguments of Sri K. Ramulu, Advocate for the Applicant and of Sri G. Kalyan Chakravarthy, SC for Official Liquidator for Respondent.

COMPANY APPLICATION NO. 2093 OF 2009

IN

R.C.C. NO 22 OF 2000

Between:

Shalivan Singh, S/o Jyothi Singh 28 R/o Door No. 50 /738 , Birla Quarters
Tungabhadra Industries Ltd Workers Quarters Tagore nagar, Gooty Road, Kurnool
Road, Kurnool Dist. **...APPLICANT**

AND

THE OFFICIAL LIQUIDATOR, High Court of Andhra Pradesh at Hyderabad (3-5-
398 , 1st floor , kendriya Sadan, Sultan Bazar , koti, Hyderabad

...RESPONDENT

Company Application Under Section 457 of Companies Act R/w. Rule 9 of
the Company Court Rules 1959 praying that this Hon'ble Court may be pleased
to directing the official liquidator to desist from claiming the possession of the
house premises bearing door No 50 / 738 of Survey No 749 /2 part , Tungabhadra
Industries Workers Quarters (Birla Quarters) , Tagore Nagar, Gooty Road ,
Kurnool , kurnool District , admeasuring 672 part and further direct to do all acts to
execute in the name on behalf of the company , the appropriate sale deeds or
documents in the favour of the applicant herein in the interest of justice .

**This Application coming on for orders upon reading the Judge's
Summons and the affidavit dated 14-12-2009 and filed by Sri
Shalivan Singh Applicant in support of the application and upon
hearing the arguments of Sri K. Ramulu, Advocate for the Applicant and
of Sri G. Kalyan Chakravarthy, SC for Official Liquidator for
Respondent.**

COMPANY APPLICATION NO. 2095 OF 2009

IN

RCC NO. 22 OF 2000

Between:

BHAGIRATH SINGH, S/o Revath Singh R/o Door No 50 / 741 , Birla Quarters
Tungabhadra Industries Ltd Workers Quarters Tagore Nagar , Gooty Road, Kurnool,
Kurnool Dist. A.P. **...APPLICANT**

AND

THE OFFICIAL LIQUIDATOR, High Court of Andhra Pradesh at Hyderabad (3-5-398
1st Floor , kendriya Sadan, Sultan Bazar , koti. Hyderabad

...RESPONDENT

**Appeal Under Section 457, 458 & 460 of Companies Act R/w. Rule 9 of
the Company Court Rules, 1959 praying that this Hon'ble Court may be pleased to
directing the official liquidator to desist from claiming the possession of the
house premises bearing Door No: 50 / 741 of Survey No. 749 /2 part,
Tungabhadra Industries Workers Quarters (Birla Quaters) , Tagore Nagar ,
Gooty Road, Kurnool District , admeasuring 672 part and further direct to do all
acts execute in the name on behalf of the company , the appropriate sale deeds
or documents in the favour of the applicant herein in the interest of justice .**

**This Application coming on for orders upon reading the Judge's
Summons and the affidavit dated 14-12-2009 and filed by Sri
Bhagirath Singh Applicant in support of the application and upon
hearing the arguments of Sri K. Ramulu, Advocate for the Applicant and
of Sri G. Kalyan Chakravarthy, SC for Official Liquidator for
Respondent.**

COMPANY APPLICATION NO. 2097 OF 2009

IN

R.C.C. NO. 22 OF 2000

Between:

S. CHAND BASHA, S/o Ghouse Mohiuddin R/o Door No. 50 / 742, Dirla Quarters Tungabhadra Industries Ltd Workers Quarters Tagore Nagar, Gooty Road, Kurnool, Kurnool District. A.P. **...APPLICANT**

AND

THE OFFICIAL LIQUIDATOR, High Court of Andhra Pradesh at Hyderabad (3-5-398 , 1st Floor , Kendriya Sadan, sultan bazar, Koti, Hyderabad

...RESPONDENT

Appeal Under Section 457, of Companies Act R/w. Rule 9 of the Company Court Rules, 1959 praying that this Hon'ble Court may be pleased to directing the official liquidator to desist from claiming possession of the house premises bearing door No. 50 / 743 of survey No. 749 / 2 part , Tungabhadra Industries Workers Quarters (Birla Quarters), Tagore Nagar, Gooty Road , Kurnool , Kurnool District , admeasuring 672 part and further direct to do all acts to execute in the name and on behalf of the company , the appropriate sale deeds or documents in the favour of the applicant herein in the interest of justice ;

This Application coming on for orders upon reading the Judge's Summons and the affidavit dated 14-12-2009 and filed by Sri S. Chand Basha , Applicant in support of the application and upon hearing the arguments of Sri K. Ramulu, Advocate for the Applicant and of Sri G. Kalyan Chakravarthy, SC for Official Liquidator for Respondent.

COMPANY APPLICATION NO: 208 OF 2010

IN

R.C.C. NO. 22 OF 2000

Between:

CHINNA NARASIMHULU, S/o C. Narasappa R/o Door No . 50 / 745 , Birla Quarters
Tungabhadra Industries Ltd Workers Quarters Tagore Nagar , Gooty Road, Kurnool ,
Kurnool District., A.P. **...Applicant**

AND

THE OFFICIAL LIQUIDATOR, High Court of Andhra Pradesh at Hyderabad
(3-5-398 , 1st Floor , Kendriya Sadan, sultan bazar, Koti, Hyderabad

...RESPONDENT

**Appeal Under Section 457, of Companies Act R/w. Rule 9 of the
Company Court Rules, 1959 praying that this Hon'ble Court may be pleased
to directing the Official Liquidator to desist from claiming the possession of the
house premises bearing Door No. 50 / 745 A of Survey No. 749 / 2 Part ,
Tungabhadra Industries Workers Quarters (Birla Quarters) , Tagore Nagar, Gooty
Road , Kurnool , Kurnool District , admeasuring 120 Sq Yards and further direct to
do all acts to execute in the name and on behalf of the company , the appropriate
sale deeds or documents in the favour of the applicant herein in the interest of
Justice**

**This Application coming on for orders upon reading the Judge's
Summons and the affidavit dated 01-01-2010 and filed by Sri CHINNA
NARASIMHULU, Applicant in support of the application and upon
hearing the arguments of Sri A. Ramasubbaiah, Advocate for the
Applicant and of Sri G. Kalyan Chakravarthy, SC for Official Liquidator
for Respondent.**

COMPANY APPLICATION NO. 210 OF 2010

IN

R.C.C.NO. 22 OF 2000

Between:

Y.RAJESWAR REDY, S/o.Y.Siva Reddy R/o Door No . 50 / 745 , Birla Quarters
Tungabhadra Industries Ltd Workers Quarters Tagore Nagar , Gooty Road, Kurnool ,
Kurnool Dist. , A.P. **...APPLICANT**

AND

THE OFFICIAL LIQUIDATOR, High Court of Andhra Pradesh at Hyderabad
(3-5-398 , 1st Floor , Kendriya Sadan, sultan bazar, Koti, Hyderabad

...RESPONDENT

Appeal Under Section 457, of Companies Act R/w. Rule 9 of the Company Court Rules, 1959 praying that this Hon'ble Court may be pleased to Direct the Official Liquidator to desist from claiming the possession of the house premises bearing Door No . 50 / 745 A of Survey No. 749 / 2 Part , Tungabhadra Industries Workers Quarters, Tagore Nagar , Gooty Road , Kurnool , Kurnool District, admeasuring 120 Sq Yards and further direct to do all acts to execute in the name and on behalf of the company, the appropriate sale deeds or documents in the favour of the applicant herein in the interest of justice.

This Application coming on for orders upon reading the Judge's Summons and the affidavit dated 01-01-2010 and filed by Sri Y. Rajasekhar Reddy, Applicant in support of the application and upon hearing the arguments of Sri A. Ramasubbaiah, Advocate for the Applicant and of Sri G. Kalyan Chakravarthy, SC for Official Liquidator for Respondent.

The Court made the following Common Order

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

**COMPANY APPLICATION Nos. 275, 277, 279, 281, 283, 285, 287,
289, 2091, 2093, 2095 AND 2097 OF 2009 AND COMPA Nos.208
AND 210 OF 2010**

COMMON ORDER:

The relief sought for in all these applications is for seeking a direction to the Official Liquidator to desist from claiming the possession of their respective house premises in Thungabhadra Industries workers quarters (Birla Quarters) Devangar, Kallur village, in connection with liquidation proceedings of the company in liquidation and further directing to do all acts to execute in the name and on behalf of the company the appropriate sale deeds or documents in favour of the applicant herein in the interest of justice and pass such other orders.

2. Since the relief sought for by the applicants in all these Company Applications is similar, the said applications are being disposed of by this common order.

3. Heard learned Counsel for the applicants, Sri G. Kalyan Chakravarthy, learned Standing Counsel appearing for the Official Liquidator, and perused the record.

4. The applicants in all these applications contend that they were the workmen of the Company-in-Liquidation; that by virtue

of their employment with the Company-in-Liquidation, they have been allotted with quarters for their stay and even after the company went into liquidation, they are continuing in possession of the said quarters.

5. It is further contended that this Court by order, dated 01.05.2009, in C.A. No.2331 of 2004 in RCC No.2 of 2000 had allotted 48 square yards each to 418 workmen of the company and that the applicants are also similarly situated.

6. It is further contended that this Court by order in C.A. No.2331 of 2004, directed all the workmen, who were allotted quarters to be moved from their respective quarters to a layout that has been laid in the land of the Company in Liquidation and allotted 48 sq. yards to each of the 418 workers, who were in possession of quarters allotted to them by virtue of their employment with the company in liquidation.

7. The applicants in the present applications contend that they were also in employment with the company in liquidation and were also allotted quarters in respect of numbers for their stay during their employment.

8. Applicants further contend that, though this Court by order in C.A. No.2331 of 2004 had allotted 48 sq. yards to each

of the 418 workmen, who are applicants therein, in a specially earmarked layout, since the present applicants have not been considered for allotment of land in the said layout, the applicants continued to occupy their respective quarters, along with the land appurtenant thereto, and are living therein by eking out their livelihood by taking up some other menial jobs; and that if the applicants are thrown out from their quarters, they would have no place to live in.

9. Learned Standing Counsel appearing for the Company in Liquidation has from time to time filed Common Report, dated 22.04.2022 and 19.09.2022, and also Supplementary Report, dated 23.09.2022. By the said reports as filed into this Court, learned Standing Counsel appearing for the Official Liquidator submits that the applicants in all these applications are workers of the Company in Liquidation and insofar as the applicants mentioned at serial Nos.2 to 13 in the report dated 19.09.2022, they have also lodged claims before the Official Liquidator claiming certain amounts as due and payable by the Company in Liquidation, which have been duly adjudicated by the Official Liquidator as payable to them. However, the said amount has not been paid to the applicants mentioned at serial Nos.2 to 13 and the said amount lying with the Official Liquidator has been

transferred to the Registrar of Companies as per Section 555(1) of the Companies Act, 1956 during the period 2017-18. However, by the said Reports, it is further stated that no claims have been made by the applicants in C.A. No.275 of 2009 and C.A. No.210 of 2010.

10. The above said Common Report and Supplementary Report of the Official Liquidator is taken on record.

11. Since it is not in dispute that the applicants in all these applications are the workers working with the Company in Liquidation, prior to the same having gone into liquidation. It is also not in dispute that they have been in occupation of the quarters which have been constructed in the property of the Company in Liquidation and are continuing to be in possession thereof, even during the liquidation process. This Court, in order to put all the workers, who were allotted quarters by the Company during their employment, by bringing them together to be located at one place, so that the vacant land would be available for being disposed of to meet the liabilities of the Company in Liquidation had appointed a Consultant to prepare a layout, wherein 418 workers of the company have been allotted 48 square yards each for moving thereinto.

12. The applicants herein, who were also allotted quarters, are not part of the said allotment and they continued to be in possession of their respective quarters which are outside the purview of the Company Application No.2331 of 2004.

13. Learned Standing Counsel appearing on behalf of the Official Liquidator, by the Common Report and the Supplementary Report, submits that each one of the present applicants are in possession of the land of the Company in excess of the 48 square yards (as shown in the Annexure appended to the Common Report) that has been allotted to them and thus even if they are also to be considered as eligible for being conferred with similar benefit, the excess land is required to be repossessed or that the occupants of the excess land should be directed to make payment for the excess land held by them.

14. Learned Counsel appearing for the applicants in all these applications have agreed to make payment for the excess land in their possession over and above, 48 square yards as has been allotted to the 418 workmen at the rates as may be directed by this Court.

15. The consultant appointed by this Court viz., M/s. Vajra Infracon India Pvt. Ltd., had indicated that the registered value as per the company records of the area where the assets of the Company in Liquidation situated is about Rs.5,000/- per sq. yards.

16. Taking the above said rate indicated by the consultant appointed by this Court for preparation of the layout as the basis, this Court had indicated to the applicants in all these applications that they would be required to pay for the excess land beyond the 48 square yards in their possession by fixing the rates as under:

Extent of excess land(per square yard)	Amount to be paid (per square yard)
0-50	Rs.5000-00
51-100	Rs.6000-00
101-150	Rs.7000-00
151-200	Rs.8000-00
200 and above	Rs.9000-00

17. By the Common Report of the Assistant Official Liquidator as filed into this Court, each of the petitioners herein is shown in occupation of excess land as mentioned in the Common Report, dated 22.04.2022.

18. Thus, the amount payable by the applicants in all these Company Applications as agreed before this Court, except in C.A. Nos.208 and 210 of 2010, for the land in their occupation in excess of 48 sq. yards, as per the Report of the Official Liquidator, is as follows:

Company Application	Name of Applicant	Petitioner claiming possession of quarter premises	Total area of occupation by the claimant in sq. yards	Excess in occupation over the companies land (i.e., more than 48 sq. yards) in sq. yards	Amount adjudicated under claim by OL office	Amount payable for the excess land as per the rate mentioned in para 16 of this order
275 OF 2009	T Sundar Rao	D. No. 50/760/D-14, of Sy. No. 755/A, Tungadhada Industries Workers Quarters, Birla Quarters, Devanagar, Kallur Village.	75.78	27.78	Rs. 1,38,900/- (Excess land of 27.78sq. yds., X Rs. 5000 per sq. Yd.)	Rs.1,38,900/- (27.78 x 5000)
277 of 2009	K Ramudu	D. No. 50/760 D-24, of Sy. No. 755/A, Tungadhada Industries Workers Quarters, Birla Quarters, Devanagar, Kallur Village.	74	26	Rs. 1,30,000/- (Excess land of 26 sq. yds., X Rs. 5000 per sq. Yd.)	Rs.1,30,000/- (26 x 5000)
279 of 2009	B Nagaiah	D. No. 50/760 D-5, of Sy. No. 755/A, of Tungadhada Industries Workers Quarters, Birla Quarters, Devanagar, Kallur Village.	74	26	Rs. 1,30,000/- (Excess land of 26sq. yds., X Rs. 5000 per sq. Yd.)	Rs.1,30,000/- (26 x 5000)
281 of 2009	P Vidyullatha	D. No. 50/733, of Sy. No. 749/ 2 Part, of Tungadhada Industries Workers Quarters, Birla Quarters, Tagore Nagar, Gooty Road, Kurnool.	171	123	Rs. 8,61,000/- (Excess land of 123sq. yds., X Rs. 7000per sq. Yd.).	Rs.7,11,000/- (50x5000=250000 50x 6000=300000 23x7000=161000)
283 of 2009	G P Maduleti	D. No. 50/734 of Sy. No. 749/2 Part, of Tungadhada Industries Workers Quarters, Birla Quarters, Tagore Nagar, Gooty Road, Kurnool.	215.46	167.46	Rs.13,39,680/- (Excess land of 167.46 Sq. Yds., X 8000 per Sq. Yds.)	Rs.10,39,680/- (50x5000=250000 50x 6000=300000 50x70000=350000 17.46x8000=139680)
285 of 2009	S Iqbal Basha	D. No. 50/739, of Sy. No. 749/2, of Tungadhada Industries Workers Quarters, Birla Quarters, Tagore Nagar, Gooty Road, Kurnool.	264	216	Rs.19,44,000/- (Excess land of 216 Sq. Yds., X Rs. 9000 Per Sq. Yd.)	Rs.14,44,000/- (50x5000=250000 50x 6000=300000 50x70000=350000 50x8000=400000 16x9000=144000)

287 of 2009	A Francis	D. No. 50/743 of Sy. No. 749/2, of Tungadhadra Industries Workers Quarters, Birla Quarters, Tagore Nagar, Gooty Road, Kurnool.	144	96	Rs. 5,76,000/- (Excess land of 96 Sq. Yds., X Rs. 6000 per Sq. yds.)	Rs.5,26,000/- (50x5000=250000 46x6000=276000)
289 of 2009	Smt.Lingamma	D. No. 50/736 of Sy. No. 749/2, of Tungadhadra Industries Workers Quarters, Birla Quarters, Tagore Nagar, Gooty Road, Kurnool.	75.78	27.78	Rs. 1,39,900/- (Excess land of 27.78 Sq. yds., X Rs. 5000 Per Sq. Yd.)	Rs.1,38,900/- (27.78 x 5000)
2091 of 2009	S Dada Peer	D. No. 50/740 of Sy. No. 749/2, of Tungadhadra Industries Workers Quarters, Birla Quarters, Tagore Nagar, Gooty Road, Kurnool.	74.75	26.75	Rs. 1,33,750/- (Excess land of 26.75 Sq. yds., X Rs. 5000 per Sq. Yd.)	Rs.1,33,750/- (27.75 x 5000)
2093 of 2009	ShalivanSingh	D. No. 50/738, of Sy. No. 749/2, of Tungadhadra Industries Workers Quarters, Birla Quarters, Tagore Nagar, Gooty Road, Kurnool.	43.5	0	0 There is no excess land in occupation.	0
2095 of 2009	Bhagirath Singh	D. No. 50/741 of Sy. No. 749/2, of Tungadhadra Industries Workers Quarters, Birla Quarters, Tagore Nagar, Gooty Road, Kurnool.	74.75	26.75	Rs. 1,33,750/- (Excess Land of 26.75 Sq. Yds., X Rs. 5000/- per Sq. Yd.)	Rs.1,33,750/- (27.75 x 5000)
2097 of 2009	S Chand Basha	D. No. 50/743 of Sy. No. 749/2, of Tungadhadra Industries Workers Quarters, Birla Quarters, Tagore Nagar, Gooty Road, Kurnool.	74.75	26.75	Rs. 1,33,750/- (Excess Land of 26.75 Sq. Yds., X Rs. 5000 per Sq. yd)	Rs.1,33,750/- (27.75 x 5000)
208 of 2010	Chinna Narasimhulu	D. No. 50/745 of Sy. No. 749/2, of Tungadhadra Industries Workers Quarters, Birla Quarters, Tagore Nagar, Gooty Road, Kurnool.			Survey not done	
210 of 2010	Y Rajeshwar Reddy	D. No. 50/741 of Sy. No. 749/2, of Tungadhadra Industries Workers Quarters, Birla Quarters, Tagore Nagar, Gooty Road, Kurnool.			Survey not done	

19. Inasmuch as the excess land in possession of each of these applicants is appurtenant to their quarters, no useful purpose would be served by re-possessing the same by the

Official Liquidator and all such land re-possessed would not become contiguous to one another, but constitute one piece that can be liquidated. In such view of the possession of the land, instead of the Official Liquidator taking possession of the land in excess of 48 square yards which would yield no result even if put to sale by the Official Liquidator, this Court is of the view that the land should be offered for being barred by the applicants herein at the rates by making payment therefor as mentioned hereinabove by each of the applicants in their respective company applications.

20. Upon the applicants making the said payment as mentioned hereinabove to the Official Liquidator, the Official Liquidator shall execute necessary conveyance in favour of each of the applicants including the excess land along with 48 square yards, to which they are entitled to as like the other applicants, who are similarly placed, by virtue of the order of this Court in C.A. No.2331 of 2004.

21. In so far as the applicants in C.A. No.208 and 210 of 2010 are concerned, since it is claimed that the applicants therein also were workers working with the Company in Liquidation, they would also be entitled for a similar benefit. However, since


the property which is in their possession has not been surveyed and the excess area is not determined, the Official Liquidator is permitted to get the property surveyed to determine the excess land in their possession beyond 48 square yards. Upon such conduct of survey by the Official Liquidator and determination of the excess land in possession of the applicants in C.A. No.208 and 210 of 2010, the said applicants would also be entitled for the relief as granted herein above. Upon such determination, the applicants shall make payments as determined by the Official Liquidator for excess land in accordance with para 16 of this order, and upon making payment thereof, the Official Liquidator shall also execute conveyance/sale deed in favour of the applicants in C.A. No.208 and 210 of 2010.

22. The amount for the excess land as determined by this Court at the rates mentioned hereinabove is by taking note of the claim adjudicated by the Official Liquidator and is to be treated towards full and final settlement in all respects. However, it is made clear that the applicants herein would be required to pay the necessary stamp duty on the entire extent of the respective property being conveyed by the registering authority.

23. Having regard to the long pendency of the issue, this Court is of the view that the parties should be directed to give a closure to this matter by the end of November, 2022 in all respects.

24. It is also made clear that the indulgence shown by this Court in the present applications is having regard to the peculiar facts and circumstances of this case and also taking note of the fact that the applicants herein have lodged their claims with the Official Liquidator in one form or the other, and that, since no further claims are lodged with the Official Liquidator as indicated in the Common Report, the benefit of this order is in *personam* and cannot be treated as a precedent.

25. Subject to the above, all the Company Applications are ordered.

SD/-K.SRINIVASA RAO
JOINT REGISTRAR

SECTION OFFICIER

//TRUE COPY//

To,

1. The Official Liquidator, M/S. THUNGABHADRA INDUSTRIES LTD (IN LIQUIDATION) Office at 1st floor Corporate Bhawan, Nagole, Bandlaguda Thattiannaram Village Hayathnagar Mandal, Ranga Reddy District, Telangana State Pin Code 500 680.
2. The Registrar of Companies, Ministry of Corporate Affairs, Government of India 2nd floor Corporate Bhawan, Nagole, Bandlaguda, Thattiannaram Village Hayathnagar Mandal, Ranga Reddy District, Telangana State Pin Code 500 680.
3. The Regional Director, South Eastern Region, Ministry of Corporate Affairs, 3rd floor Corporate Bhawan, Nagole, Bandlaguda, Thattiannaram Village Hayathnagar Mandal, Ranga Reddy District Telangana State Pin Code 500 680.
4. The Section Officer, O.S. Section, High Court for the State of Telangana at Hyderabad.
5. One CC to Sri G. KALYAN CHAKRAVARTHY, SC FOR Official Liquidator, High Court for the State of Telangana at Hyderabad.

6. One CC to Sri A. Rama Subbaiah, Advocate (OPUC)
7. One CC to Sri K. Ramulu, Advocate (OPUC)
8. One CC to SRI. M. SRIKANTH REDDY Advocate [OPUC]
9. Two C.D.Copies
10. One Spare Copy

KUL

SB

HIGH COURT

DATED:23/09/2022



COMMON ORDER

COMPANY APPLICATION Nos. 275, 277, 279, 281,
283, 285, 287, 289, 2091, 2093, 2095 and 2097
of 2009 and COMPA Nos. 208 and 210 of 2010

ORDERING THE ALL COMPANY APPLICATIONS.

(11)
MA
14/11/22