

IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

FRIDAY, THE SIXTH DAY OF JANUARY  
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

I.A. NO. 2 OF 2022

IN

COMPANY APPLICATION Nos. 275, 277, 279, 281, 283, 285, 287, 289, 2091,  
2093, 2095 and 2097 of 2009 and COMP.A. 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),
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 Comp.ANo. 817 of 2013.)

...RESPONDENTS

**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**

**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**

**COMPANY APPLICATION NO. 281 OF 2009**

**IN**

**R.C.C. NO. 22 OF 2000**

**Between:**

**P. Vidyulatha W/o. P. Kumar Reddy, D/o. P. Eswar Reddy , Aged 28 years, 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)
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. 820 of 2013. )  
**...RESPONDENTS**

**COMPANY APPLICATION NO. 283 OF 2009**

**IN**

**R.C.C.NO. 22 OF 2000**

**Between:**

G.P.MADDULETI, 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**

**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

**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

**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 S/o. 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

**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**

**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 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**

**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, 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**

**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 A, 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**

**COMPANY APPLICATION NO. 210 OF 2010**

**IN**

**R.C.C.NO. 22 OF 2000**

**Between:**

**Y.RAJA SEKHAR REDDY, 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 (1) ( e) and 528 , 529, 529A and 530 of the Companies Act, 1956 and r/w. Rule 9 , 151 & 154 of the Companies ( Court ) Rules , 1959 praying that this Hon'ble Court may be pleased to**

- i) To extend the time for complying the order of this Hon'ble High Court dated 23-09-2022 till disposal of this application.
- ii) Pass appropriate orders with regard to the excess land in possession by the occupants / petitioners as stated at Para 7 and 8 as per the survey report dated 10-12-2022 submitted by M/s. Istha Builders (I) Private Limited;
- iii) Appropriate orders may be passed as to whether the official Liquidator to accept the amount from the occupants / petitioners at Sl. No. 13 & 14 of Para 3 of application in view of the reasons stated at Para-8;
- iv) Permit the Official Liquidator to pay the amount incurred for survey of land to comply with the directions of this Hon'ble Court dated 23-09-2022;

- v) Order that the costs of this application do come out of the assets of the company and ;

**This Application coming on for orders upon reading the Judge's Summons and the affidavit dated 29-12-2022 and filed by Sri V.P. Katkar S/o. Shri Pandurand Katkar , official Liquidator in support of the application and upon hearing the arguments of Sri A. Ramasubbaiah, Advocate for the Applicant in C.A.No. 275, 277 and 279 of 2009 and of Sri J. SRINADH REDDY, Learned Counsel for the Official Liquidator for Respondent.**

The Court made the following Order :

Judge's Summons is taken out under Section 457 (1) ( e ) and 528, 529, 529 A and 530 of the Companies Act, 1956 read with Rule 9, 151 & 154 of the Companies ( Court ) Rules, 1959 with the following prayer:

- i. To extend the time for complying the orders of this Court dated 23-09-2022 till disposal of this application
- ii. Pass appropriate orders with regard to the excess land in possession by the occupants / petitioners as stated at paras 7 and 8 as per the survey report dated 10-12-2022 submitted by M/s. Isha Builders ( 1) Private limited;
- iii. Appropriate orders may be passed as to whether the Official Liquidator to accept the amount from the occupants / petitioners at Sl. No. 13 & 14 of para 3 of application in view of the reasons stated at para 8;
- iv. Permit the Official Liquidator to pay the amount incurred for survey of land to comply with the directions of this Court dated 23-09-2022;
- v. Order that the costs of this application do come out of the assets of the company.

In this application, the Official Liquidator has stated that this Court in Company Application Nos. 275, 277, 279, 281, 283, 285, 287, 289, 2091, 2093, 2095, 2097 of 2009, 208 and 210 of 2010 dated 23-09-2022, directed the Official Liquidator to execute conveyance deed in respect of the land in possession of the applicants therein on condition of payment of charges as specified thereunder.

Further, this Court, by order in I.A.No. 1 of 2022 in company Application Nos. 275 of 2009 & batch dated 02-12-2022, extended the time for completing the entire process of executing the sale deed as specified in the order dated 23-09-2022, from 30-11-2022 to 31-12-2022.

Learned Counsel appearing on behalf of the Official Liquidator submits that however subsequent to the said order passed by this Court, when the Official Liquidator got the extent of land in possession of such of the applicants surveyed, it was found that, except the three applicants in Company Application Nos. 275, 277 and 279 of 2009, all other applicants in the respective Company Applications are either found to be in possession of excess land than what was considered by this Court while ordering their respective Company Applications or in some cases deficit land than what was shown by them.

Learned Counsel appearing on behalf of the Official Liquidator further submits that there is no excess land / deficit land in respect of applicants in Company Application Nos. 275, 277 and 279 of 2009 as shown in the survey report of 2010 and considered by this Court on 23-09-2022. The Official Liquidator would further submit that the three applicants in Company Application Nos. 275, 277 and 279 of 2009 have also remitted the amount as payable by them in terms of the orders of this Court dated 23-09-2022 by submitting demand drafts on 12-12-2022 and they have also exchanged draft sale deeds with the respective applicants.

Learned Counsel for the Official Liquidator would submit that however in view of the discrepancy in extents of land possessed by the other applicants, the conveyance deed in respect of these three applicants also could not be executed within the time as permitted by this Court.

Having regard to the submissions made, pending further orders in I.A.No. 2 of 2022, in so far as the consideration of the cases of the other applicants, since the applicants in C.A.Nos. 275, 277, 279 of 2009 are in possession of the land as found during the survey conducted in the year 2010 and also the said applicants having remitted the required amount as specified in the order of this Court dated 23-09-2022, this Court is of the view that the Official Liquidator should be directed to complete the execution of the sale deed/ conveyance deed in favour of the applicants in C.A.Nos. 275, 277 and 279 of 2009 by extending the time till 21-01-2023. Accordingly, the time for executing the sale deed/ conveyance in favour of the Applicants in C.A.Nos. 275, 277 and 279 of 2009 before the concerned authority is

hereby extended till 21-01-2023, subject to applicants making / bearing charges as applicable towards stamp duty and registration.

In so far as the cases of other applicants are concerned, list the I.A. No. 2 of 2022 on 27-01-2023.

**Sd/-B.S.CHIRANJEEVI  
JOINT REGISTRAR.**

**//TRUE COPY//**



**SECTION OFFICER**

**To,**

1. The Official Liquidator, M/S. THUNGABHADRA INDUSTRIES LTD ( IN LIQUIDATION) Office at 1<sup>st</sup> 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 2<sup>nd</sup> 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, 3<sup>rd</sup> 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 J. SREENADH REDDY , Counsel for the 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



POSTING DIRECTION

HIGH COURT

DATED : 06-01-2023

Note to O.S. : Post on 27-01-2023.



ORDER

I.A. NO.2 OF 2022

IN

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

Direction

12  
VLW  
21/1/23