

IN THE HIGH COURT AT CALCUTTA
In appeal from its
ORDINARY ORIGINAL CIVIL JURISDICTION
CIVIL APPELLATE JURISDICTION

IA No. CA No. 49 of 2023
in
BIFR 520 of 1992
Bharat Process & Mechanicals Engineering Ltd. (In Liqn.)
Versus
Official Liquidator

IA No. CA 41 of 2014
(Old No. CA 409 of 2014)
in
BIFR 520 of 1992
Re: Bharat Process & Mechanicals Engineering Ltd. (In Liqn.)
And
Re: T. P. G. Equity Management Pvt. Ltd.
Versus
Official Liquidator

IA No. CA 42 of 2014
(Old No. CA 524 of 2014)
in
BIFR 520 of 1992
Re: Bharat Process & Mechanicals Engineering Ltd. (In Liqn.)
Versus
Official Liquidator

IA No. CA 40 of 2013
(Old No. CA 400 of 2013)
in
BIFR 520 of 1992
Re: Bharat Process & Mechanicals Engineering Ltd. (In Liqn.)
And
Re: T. P. G. Equity Management Pvt. Ltd.
Versus
Official Liquidator, High Court, Calcutta

Before:
The Hon'ble Justice I. P. MUKERJI
Date: 31st March 2023

Appearance:
Mr. Ahin Choudhuri, Sr. Advocate
Mr. Sudhasatva Banerjee, Advocate
Mr. Soumajit Majumder, Advocate
Ms. R. L. Mitra, Advocate
for the BHMEEL Shramik Union
Mr. Deepnath Roy Chowdhury, Advocate
Ms. Shyantee Dutta, Advocate
for TPG Equity Management
Mr. Jayanta Banerjee, Advocate

Mr. Aninda Bhattacharya, Advocate
for Official Liquidator

Mr. Kushagra Shah, Advocate
for Joint Action Committee

Mr. Nandlal Singhania, Advocate
Ms. Twinkle Kaur, Advocate
for Union of India

The Court: IA No. CA 49 of 2023

This is an application by Bharat Process and Mechanical Engineering Limited Shramik Union through its authorised signatory Ayodhya Singh.

By this court's order dated 1st October 2021 it had inter alia directed the Chief Secretary, Government of Odisha to ensure that upon the Official Liquidator visiting Keonjhar district the local authorities would assist him to identify the free-hold land belonging to the company (in liqn.), demarcate it and take possession thereof, pending further orders to be passed by this court.

It appears from the report of the Official Liquidator dated 1st October 2021 that he made all attempts to duly comply with this order. He had visited the locale and prepared minutes on 23rd October 2021. He had been able to identify the land belonging to the company (in liqn.). He has stated in the report that some lands in Dolki and Nolda housed the staff quarters of Odisha Mining Development Corporation and ex-staff of the company (in liqn.). The factory and administrative building of Odisha Mining Development Corporation are also situated there. Part of the land is vacant and part occupied. The total land measures 202 acres.

One statement of the official liquidator in the report does not impress me: "As regards handing over physical possession of 202 acres of land, the District Magistrate-cum-Collector expressed that it shall be taken after receipt of instruction from Government of Odisha".

By the order dated 1st October 2021 the official liquidator was directed to take possession of the land. He was not asked to request the District Magistrate to deliver the possession of the land to him.

In those circumstances, I hereby direct the Official Liquidator to immediately fix a time and date for taking actual physical possession of the entire land belonging to the company (in liqn.) directing the District Magistrate on the strength of this order of the Court to provide him necessary administrative assistance including deployment of police to effect this task. It goes without saying that before taking physical possession this 202 acres of land shall be demarcated in a plan or map and thereafter possession taken.

The District Magistrate is directed to cooperate with the Official Liquidator to implement this order.

The Official Liquidator is directed to file a compliance report in this court on the first sitting of this court in the month of May, 2023, circulating copies thereof to all appearing parties.

(I. P. MUKERJI, J.)