

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: 13th October, 2023

Appearance:
Mr. Ahin Choudhuri, Sr. Advocate
with Mr. Sudhasatva Banerjee,
Mr. Nirmalya Dasgupta,
Ms. Akanksha Mukherjee &
Mr. R. L. Mitra, Advocates
.... for the BHMEEL Shramik Union

Ms. Shyantee Dutta, Advocate
.... for TPG Equity Management

Ms. Anjana Banerjee led by
Mr. Sourav Kr. Mukherjee, Advocates
for Official Liquidator

Ms. Sonal Shah, Advocate
for Joint Action Committee

IA No. CA 49 of 2023

I have examined the report of the official liquidator dated 11th May, 2023. I have also heard the submissions made by Mr. Ahin Choudhuri, learned senior advocate representing a group of workmen and Ms. Sonal Shah, learned advocate representing another group.

According to this report, inter alia about 30.141 acres of land belonging to the company in liquidation are lying vacant. They are spread over six mouzas, as detailed in paragraph 5(vii) of the report. It is also evident from the report that the official liquidator has taken possession of the land and has deployed eight security guards to protect the property. He is directed to immediately prepare a map or plan of the exact area in his possession to be counter-signed by the District Magistrate and Tahasildar.

As the claims of the creditors of the company in liquidation, particularly the workmen of the company in liquidation including eight teachers, are pending for a very long time and considering the fact that the workmen are in involved financial condition for non-payment of their arrear wages, I direct that this land measuring about 30.141 acres be immediately sold by the official liquidator. He is directed to advertise this sale immediately in one English and one Oriya newspaper, having wide circulation in the area and also in the website of the official liquidator by 8th November, 2023 and invite bids for sale of the said land. Thereafter, he shall proceed to consider the bids and prepare a report to be filed in this Court by 14th December, 2023 in a sealed cover without circulating a copy to any party. The official liquidator shall be at liberty to fix the reserve price of the said land.

In the mean time, considering this court's earlier order making partial disbursement of the fund lying in the hands of the official liquidator to the workmen of the company in liquidation to meet their daily needs, I direct that a further sum of Rs.25,00,000/- be distributed to the workmen of the company including eight teachers whose claims

have been admitted and approved in terms of my order dated 11th March, 2016, ad hoc on a pro rata basis preferably by 19th October, 2023.

The official liquidator is also directed to make payment to the said security guards employed by him and to take steps for realisation of the sum, so paid from the secured creditor, T.P.G. Equity Management Pvt. Ltd.

List these applications on the first available Friday after 14th December, 2023.

(I.P. MUKERJI, J.)