

ORDER SHEET
IN THE HIGH COURT AT CALCUTTA
Civil Appellate Jurisdiction
ORIGINAL SIDE

IA NO.CA/49/2023
IN
BIFR/520/1992
IN THE
BHARAT PROCESS & MECHANICALS ENG. LTD. (IN LIQN.)
VS
OFFICIAL LIQUIDATOR.

-And-

IA NO.CA/41/2014
(OLD NO. CA/409/2014)
BIFR/520/1992
RE: BHARAT PROCESS & MECHANICALS ENG. LTD. (IN LIQN.)
VS
RE: T.P.G. EQUITY MANAGEMENT P. LTD.
VS
OFFICIAL LIQUIDATOR & ANR.

-And-

IA NO.CA/42/2014
(OLD NO. CA/524/2014)
BIFR/520/1992
RE: BHARAT PROCESS & MECHANICALS ENG. LTD. (IN LIQN.)
VS
OFFICIAL LIQUIDATOR.

-And-

IA NO.CA/40/2013
(OLD NO. CA/400/2013)
BIFR/520/1992
IN THE
BHARAT PROCESS & MECHANICALS ENG. LTD. (IN LIQN.)
AND
RE: T.P.G. EQUITY MANAGEMENT P. LTD.
VS
OFFICIAL LIQUIDATOR, HIGH COURT, CALCUTTA.

BEFORE
The Hon'ble Justice I.P. MUKERJI
Date: 1st March, 2024

Mr. Suddhasatva Banerjee
with Mr. Nirmalya Dasgupta,
Mr. R.L. Mitra &
Ms. Akanksha Mukherjee, Advs.
...for the BPMEL Shramik Union.

Mr. Swarup Banerjee with
Mr. Hari Charan Yadav &
Mr. Arindam Chatterjee, Advs.
...for respondent no.2 in IA No.CA/40/2013.

Ms. Sonal Shah, Adv.
... for Joint Action Forum.

Mr. Sourav Kumar Mukherjee
with Ms. Anjana Banerjee &
Mr. Souhardya Mitra, Advs.
... for Official Liquidator.

Ms. Shyantee Datta with

Ms. Antara Biswas, Adv.
... for the secured creditor, TPG Equity.

This court has considered the report of the Official Liquidator. There appears to be a serious discrepancy between his report dated 14th December, 2023 and his earlier report dated 11th May, 2023, filed in this court.

In his report dated 11th May, 2023, the Official Liquidator at page 5 stated the following –

“* * * * *

vii. However as identified by the Official of the Learned Tahasildar the following land are still vacant during the inspection:

Sl. No.	Mouza/Village	Plot No.	Acres
a)	Sading	446 & 447	1.32 Acres
b)	Karakolha	349 & 498 102, 102/657	11.94 Acres
c)	Dalki	756, 829, 706, 704, 597	9.761 Acres
d)	Barbil-8	9/803	1.41 Acres
e)	Belkundi	648/1109 & 633	1.96 Acres
f)	Karakhendra	641 & 642	3.75 Acres
			30.141 Acres

Apart from the above so many small plot or land still vacant in the various village.”

Now at page 5 of the present report dated 14th December, 2023 he, relying on some alleged information from the office of the Collector and District Magistrate, Keonjhar, states the following –

“..... that the Plot No.498 having area of Ac.3.750 of Khata No.06 of Mouza Karakhola is a private land which is recorded in the name of Kande Munda, Bishu Munda and Raja Munda son of Jogeya Munda of Village Karakhola.”

It is not stated therein why steps could not be taken by the Official Liquidator to sell the rest of the land. It is absolutely clear from

this report that apart from some routine and cursory desk-work, the Official Liquidator has not done anything substantial to comply with the order of this court dated 13th October, 2023.

Mr. Swarup Banerjee, learned advocate appearing for respondent no.2, Orissa Mineral Development Corporation Ltd. (OMDC), submits that the entire proceedings have been stayed by the Supreme Court by its order dated 8th October, 2021 and that this court should not proceed any further in the matter.

It is submitted by Mr. Suddhasatva Banerjee, learned advocate appearing for the applicant in CA/49/2023 that the assets of the company in liquidation also included a mining lease. At one point of time, the mining lease was in favour of the company. OMDC has made a claim that it is entitled to grant of or assignment of this lease in its favour. It also claims to have been operating the mines for some period of time. Meanwhile, the stake-holders of the company-in-liquidation maintain that the company-in-liquidation is still entitled to at least notional renewal of the mining lease in its favour which would enhance the value of its assets. This is the tussle between the Central Government and its undertaking, OMDC and the stake-holders of the company-in-liquidation.

Learned counsel submits that only this dispute is before the Supreme Court. This has no connection with the liquidation process concerning other assets of the company. This submission appears to be correct.

In the interest of workmen and other creditors of the company-in-liquidation including secured creditors, it is imperative that these assets are speedily disposed of so as to meet the claims of these persons.

With this perception in mind, this court had passed the said order dated 13th October, 2023. It is very disturbing to note the utter lack of interest of the Official Liquidator in carrying out this order. He is directed to comply with the said order immediately.

In those circumstances, list this application once again on the first available Friday in April 2024 to receive an action-taken-report by the Official Liquidator. The Official Liquidator shall be personally present in court with the action-taken-report.

(I.P. MUKERJI, J.)