

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO(s). 2069-2076 OF 2002

COLLECTOR OF CENTRAL EXCISE, PUNE Appellant (s)

VERSUS

P.RAMA RAO OFF.LIQ. AND ORS. Respondent(s)

(With appln(s) for stay and office report)

Date: 21/09/2010 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE H.L. DATTU

For Appellant(s)

Mr. Harish Chandra, Sr.Adv.
Mr. Arijit Prasad, Adv.
Ms. Shipra Ghosh, Adv.
Mr. B. Krishna Prasad,Adv.

For Respondent(s)

Mr. Joseph Vellapally, Sr.Adv.
Mr. Raghvesh Singh, Adv.
Mr. S.R. Setia,Adv.

Mr. Amar Dave, Adv.
Ms. Nandini Gore, Adv.
Mr. Abhishek Roy, Adv.
Ms. Mahak Bhalla, adv.
Ms. Astha Tyagi, Adv.
Ms. Manik Karanjawala, Adv.
For M/S. Karanjawala & Co. ,Adv

UPON hearing counsel the Court made the following
O R D E R

The appeals are dismissed in terms of the signed
order.

(Sukhbir Paul Kaur)
Court Master

(Kusum Gulati)
Court Master

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.2069-2076 OF 2002

COLLECTOR OF CENTRAL EXCISE, PUNE Appellant(s)

Versus

P. RAMA RAO OFFICIAL LIQUIDATOR AND ORS. Respondent(s)

O R D E R

Vide Order dated 30th September, 2009 an application filed by the Official Liquidator, seeking his impleadment as Respondent No.1 in place of Respondent No.1 Company, was allowed. Thereafter, the Official Liquidator filed an affidavit on 30th August, 2010, in which, it is stated that :-

"I state that as per the statement made by C.R. Murali following were the directors of the Company on the date of winding up : 1. Mr. A.K. Pandit, 2. Mr. D.M. Gonsalvis and 3. Mr. M.G. Vichare. I state that Mr. C.R. Murali further stated that the Company earlier owned factory which was sold by the financial institution along with other assets of the Company by IDBI who are operating agency appointed by the BIFR. I state that in view of assets having been taken over by the IDBI pursuant to the order passed by the BIFR now there are no assets available with the Company (Respondent No.2) remaining to be liquidated and the Official Liquidator as such has no funds available to the credit of the Company."

We are of the view that in light of the stand of the Official Liquidator that no funds are available to ...2/-

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the credit of the Company in liquidation to discharge any liability of the said Company, any decision on the issue raised in the present appeals would be of academic interest only.

Under the circumstances, we are not inclined to entertain the appeals. The same are dismissed accordingly..

.....J.
(D.K. JAIN)

.....J.
(H.L. DATTU)

New Delhi,
September 21, 2010