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C.A.No. 6263 OF 1999

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~ ITEM NO. 117 COURT NO. 7 SECTION XV

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. 6263/1999

State of Haryana & Anr. .. Appellant (s)

Vs.

M/s Hitkari Potteries Ltd. & Anr. .. Respondent(s)

DATE : 20.3.2001 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU

HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) : Mr. Mahabir Singh, Adv. M/s Ajay Pal, S.R. Sharma, Advs.

For Respondent (s) : Mr. Mohit K Bhandari, adv. Mr. Amit Singh, Adv. Mr. C.S. Ashri, Adv. Mr. M.M. Kahyap, Adv.

UPON hearing counsel the Court made the following ORDER

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The appeal is disposed of in terms of the signed order.

.SP1

Charanjit [ Om Prakash ] Court Master

[ Signed order is placed on the file ]

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IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 6263/1999@@  
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State of Haryana & Anr. .. Appellants

Vs.

M/s Hitkari Potteries Ltd. & Anr. .. Respondents

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An application was made by respondent No. 1 (hereinafter referred to as the respondent) under Section 25-0 of the Industrial Disputes Act ( for short the 'Act') for permission to close down the company on 15.1.1998. On 2.4.1998 a letter was sent by on behalf of the Government to the respondent to the effect that the application filed by it is defective in certain aspects and is hence rejected.

Under Section 25-0 (3) of the Act if Government does not communicate the order granting or refusing to grant permission to the employer within a period of 60 days from the date on which such application is made, permission applied shall be deemed to have been granted on the expiration of the said period of 60 days.

In the present case the application was not disposed of within a period of 60 days from 15.1.1998 and a communication was sent only long after expiry of that period on 2.4.1998. In that view of the matter the view taken by the High Court that necessary permission as contemplated under the provisions of Section 25-0 of the Act is deemed to have been granted appears to us to be correct and certain provisions have been made by the High Court in its order regarding

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protection of rights of the workmen and as claimed by them before the Court. In that view of the matter no useful purpose would be served in going into various questions raised herein the orders were made by the High court on 15.1.1999 and no steps were taken to obtain any interim order either from that Court or from this Court till 23.7.1999. We think the order made by the High Court should be sustained and no interference is called for. The appeal is disposed of accordingly.

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[ S. RAJENDRA BABU ]@@  
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[ S.N. VARIAVA ] @@

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New Delhi,@  
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March 20, 2001 @@  
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