

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

RECORD OF PROCEEDINGS

IA 8 in CIVIL APPEAL NO. 6397 OF 2002

M/S. PML INDUSTRIES LTD., CHANDIGARH & ANR

Appellant (s)

VERSUS

BOARD FOR INDS. AND F. RECONSTRUCTION & ORS

Respondent(s)

(for permission to disclose the name of the investor to the operating agency in partial

modification of the orders of this Court dated 15.02.2006 and office report))

Date: 20/11/2006 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE DALVEER BHANDARI

For Appellant(s)

Mr. M.L.Verma, Sr. Adv.

Mr. Prashant Kumar, Adv.

Mr. Rohan Thawani, Adv.

Mr. Joseph Pookkatt, Adv.

For Applicant

Mr. A.D.N. Rao, Adv.

For Respondent(s)

Mr. Pranab Kumar Mullick, Adv.

Mr. Balraj Dewan, Adv (Not present)

Mr. Chander Shekhar Ashri ,Adv(Not present)

Mr. Vishwajit Singh ,Adv(Not present)

Ms. Prasanthi Prasad ,Adv (Not present)

UPON hearing counsel the Court made the following

O R D E R

I.A. No.8 is disposed of.

(Parveen Kr. Chawla)

(Kanwal Singh)

Court Master

Court Master

[Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A. No.8 in CIVIL APPEAL NO.6397 OF 2002

M/s PML Industries Ltd., Chandigarh & Anr.

...Appellant s

Versus

Board for Industrial & Financial

Reconstruction & Others

...Respondent (s)

O R D E R

Civil Appeal No. 6397 of 2002 was dismissed as withdrawn reserving liberty

with the appellants to approach the BIFR disclosing the name of the investor along with the details of funds to be deployed by him and the orders for supply of products of the company received so far. The particulars of the investor and the details of funds to be deployed by him were to be given to the BIFR in a sealed cover within four weeks from the date of the order. The BIFR was to consider the genuineness of the investor, funds to be deployed by him and orders received for supplying the products produced by the appellants and on consideration whereof, if the BIFR is prima facie satisfied that the company can be turned around by the existing management, it may permit the appellant to submit a scheme for revival in accordance with law.

The appellants had expressed their apprehension about disclosing the name of the investor as, according to them, there was a competitor who was trying to sabotage their proposal to revive the company.

BIFR has filed the present application with the following prayer:

"(a) permit the applicant herein to take on board the operating agency namely Industrial Development Bank of India and reveal the name of the investor in order to ascertain the genuineness and viability of the proposal by studying the financial statements of the investor and verify their credit worthiness from their Bankers;

(b) and be pleased to pass such other order or orders as this Court deems fit and proper in the facts and circumstances of the case."

The appellants have filed their response to the application filed by the BIFR.

After hearing counsel for the parties, we direct the BIFR to take on board the operating agency namely Industrial Development Bank of India (for short 'IDBI') and reveal the name of the investor in order to ascertain the genuineness and viability of the proposal by studying the financial statements of the investor and verify their credit worthiness from their Bankers. IDBI, which is not before us and whom we have directed to be associated by the BIFR is directed not to disclose the name of the investor to any third party. The appellants are directed to co-operate with the IDBI to furnish details which may be asked for by the IDBI.

I.A. No. 8 is disposed of accordingly.

.....J.

(ASHOK BHAN)

.....J.

(DALVEER BHANDARI)

New Delhi.

NOVEMBER 20, 2006.