

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).11598-11600/2009

(From the judgment and order dated 09/04/2009 in WP No. 942, 2865 and 2880 of 2007 of The HIGH COURT OF DELHI AT NEW DELHI)

PEGASUS ASSETS RECONSTRN.P.LTD.

Petitioner(s)

VERSUS

R.R.KABELS LIMITED & ORS.

Respondent(s)

(With appln. for permission to file lengthy list of dates and with prayer for interim relief and office report)

WITH

SLP(C)Nos. 12104-12106 of 2009 - With office report

Date: 14/05/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA
HON'BLE MR. JUSTICE AFTAB ALAMFor Petitioner(s) Mr. K.K. Venugopal, Sr.Adv.
Mr. Jaideep Gupta, Sr.Adv.
Mr. Akhil Sibal, Adv.
Mr. Ajay Bhargava, Adv.
Ms. Vanita Bhargava, Adv.
Mr. Abhijit Swaroop, Adv. for
M/S. Khaitan & Co.,Adv.Mr. Mukul Rohtagi, Sr.Adv.
Mr. Ravinder Narain, Adv.
Mr. Ajay Aggarwal, Adv.
Ms. Kanika Gomber, Adv.
Mr. Rajan Narain, Adv.For Respondent(s) Mr. Uday U. Lalit, Sr.Adv.
Mr. Harish Salve, Sr.Adv.
Mr. Ankur Chawla, Adv.

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Ms. Meenakshi Chattrjee, Adv.
Mr. Ashish Jha, Adv.
Ms. B. Sunita Rao, Adv.
Mr. R. Kumar, Adv.Mr. Barun Kumar Sinha, Adv.
Ms. Pratibha Sinha, Adv.
Mr. B.K.Satija,Adv.Mr. Shyam Divan, Sr.adv.
Mr. Prateek Jalan, Adv.
Mr. Sameer Parekh, Adv.
Ms. Ranjeet Rohtagi, Adv.
Mr. Arjun Garg, Adv.
Mr. Shubhanshu Padhi, Adv. for
M/S Parekh & Co.,Adv.

Mr. Ankur S. Kulkarni, Adv. for
Lex Regis Law Offices, Advs.

UPON hearing counsel the Court made the following
ORDER

Issue notice.

Substituted service by publication is also allowed.

Since large number of respondents are involved in the matters, we are directing the petitioners to take steps for publication of the notice in which the next returnable date should be indicated.

The short question which we are required to decide at this stage, pending further orders in the Special Leave Petitions, is whether the proposal for revival of the Company made by Pegasus Asset Reconstruction (P) Ltd. be entertained by BIFR?

In our view the question of revival is of paramount importance, particularly when the interest of the workers is at stake.

In these cases one of the controversy appears to be whether impugned assignments are valid in law? The High Court vide impugned order has come to the conclusion that the petitioners' proposal should not be kept before BIFR.

Since it is a question of revival of the Company, we are of the view that keeping all questions of law expressly open, the BIFR should be allowed to consider all the three proposals for revival. While doing so the BIFR will decide the matter uninfluenced by the observations made in the impugned order of the High Court. At the preliminary stage we are informed that the proposals will be vetted by the operating agency, namely, State Bank of India. After the preliminary stage gets over, the matters will go to BIFR. Before the BIFR the workers who are also secured creditors will also be heard. The BIFR will decide the matter keeping aside the question relating to the validity of the impugned assignment, which question will be decided in SLP if need arises.

Before concluding, it may be mentioned that it would be open to BIFR to fix an amount which each of the three applicants may be required to deposit at the threshold stage so that its bona fides could be decided. That amount will uniformly apply across the board to all the three applicants.

We make it clear that in respect of Management of the Company, status quo as of today shall be maintained till further orders.

List these matters on 21st August, 2009, last on Board.

(S. Thapar)
PS to Registrar

(Madhu Saxena)
Court Master