

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

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).10319/2006

(From the judgement and order dated 03/04/2006 in Civil Application No.26 of 2006 in Company Application No.99/2005 in Company Appeal No.7/2005 and final judgment and order dated 3/4/2006 in Civil Application No.27/2006 in Company Application No.99/2005 in Company Appeal No.7/2005 of The HIGH COURT OF BOMBAY)

COLLECTOR WARDHA

Petitioner(s)

VERSUS

OFFCL.LIQ. M/S. MAH. EXPLOSIVES LTD &ORS

Respondent(s)

(With appln. for modification of interim order dated 21.6.2006 and permission to file addl.documents and exemption from filing c/c of the impugned judgement and substitution for and in place industrial credit investment corporation of India and impleadment and office report)

Date: 05/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. MATHUR

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Mr. Ravindra Keshavrao Adsure,Adv.

For Respondent(s) Mr. Uday U. Lalit, Sr.Adv.

Mr. P.C. Madkholkar, Adv.

Mr. Rajendra Desai, Adv.

Mr. Chander Shekhar Ashri, Adv.

Mr. Suman Jyoti Khaitan ,Adv

Mr. Ravindra Kumar ,Adv

Mr.Sanjiv Sen, Adv.

Mrs. Nandini Gore ,Adv

UPON hearing counsel the Court made the following

O R D E R

This special leave petition is directed against the order

passed by the High Court of Bombay, Bench at Nagpur on

3/4/2006. An application was filed by the Collector, Wardha

for being impleaded as party

:2:

in Company proceedings pending before Company Judge which

was rejected by the High Court. We do not want to express any

opinion in the matter but, however, since the issue involved in

the matter, is with regard to the liquidation of the Maharashtra

Explosive Ltd. and the land is also involved in the matter and

we have been informed that part of the land belongs to the State. Whether the part of the land really belongs to the State is a issue which is to be decided by the High Court. Therefore, the High Court should have directed the Collector, Wardha to be impleaded as a party in the matter. Unfortunately, the application has been rejected. Therefore, we are of the opinion that the issue requires to be considered by the High Court. The Collector Wardha be impleaded as a party in this Company Petition and the matter may be decided on the material produced by the Government whether the part of the land or whole land over which the Maharashtra Explosive Ltd. was built belong to the Government or not. Any order passed which prejudices the rights of the Government shall not come in the way. The learned counsel appearing for Kotak Mahindra has moved an application for being impleaded as a party because they took over from the ICICI Bank, as such they have to watch their interest also. Kotak Mahindra may make an

proper application before the High Court and the High Court

on consideration of the same will pass the appropriate order.

:3:

IA.No.7 is disposed of.

IA.No. 5 and 6 were already disposed of earlier.

Nobody appears on behalf of M/s Cozy Properties Pvt.

Ltd. in IA.No.9. If the Cozy Properties Ltd. wants impleadment

it may do so before the High Court. IA.No.9 is also disposed of.

However, the status-quo order passed by this Court

shall continue till the further orders are passed by the High

Court on the Collector Wardha's application.

It will be open to Collector. Wardha to file any

additional documents or material in support of their claim.

The special leave petition is accordingly disposed of.

[Usha Bhardwaj]

Court Master

[Vijay Aggawal]

Court Master