

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S) .2937 OF 2012

M/S GANNON DUNKERLEY & CO.LTD. . . . APPELLANT (S)

VERSUS

M/S SHREE CEMENT LTD.& ORS. . . . RESPONDENT (S)

O R D E R

I.A. No.3 - Application for impleadment of  
Bhartiya Mazoor Sangh (U.P.) is allowed.

Heard the learned counsel for the parties and  
perused the relevant material.

The only issue requiring consideration is the  
entitlement of the respondent No.1 (Shree Cement  
Ltd.) to submit a scheme for rehabilitation pursuant  
to the order of this Court dated 24.03.2008 passed in  
Cement Workers Karamchari Sangh vs. Jaipur Udyog  
Limited and Others reported in (2008) 4 SCC 701.

The above question has to be determined in  
light of the directions of this Court contained in  
paragraph 43 of the Order, which is reproduced herein  
below :-

"43. We accordingly make the following directions

which we consider, in the totality of the facts and circumstances of the case, would meet the ends of justice:

A. *Re. The proceedings before the BIFR/AAIFR.*

I. The matter is remitted to the AAIFR and it is directed to restore Appeal No.22 of 2001 filed by JUL against the winding-up order, dated 24-11-2000 passed by BIFR, provided the deposit of Rs.10 crores, as directed by the AAIFR by its order dated 3-8-2001 is made within two months from today.

II. In case the appellant JUL fails to make the deposit within the specified time, the appeal shall stand dismissed and the earlier order passed by the AAIFR on 6-9-2001 shall stand restored.

III. In case, however, the deposit is made within the specified time, the AAIFR will proceed to dispose of the appeal after hearing the appellant and any of the parties to this appeal before this court (including the proposed interveners) or the parties to the appeal before the AAIFR who may appear before it. The judgment of this court is deemed sufficient notice to all concerned and the AAIFR need not issue any further notices to any of the parties.

IV. In case the appellant makes the deposit within the specified time it will be

open to it to file before the AAIFR a revised rehabilitation scheme. It will also be open to any other parties, including the workmen to file before the AAIFR a rehabilitation scheme for the sick company. In case a revised scheme is filed the AAIFR will consider it and pass appropriate orders in accordance with law.

- V. Most importantly, the AAIFR shall make all endeavours to dispose of the matter as early as possible and in any event not later than four months from the date of deposit of Rs.10 crores by the appellant."

Having read and considered the order of the Court, specifically those contained in sub-clauses III and IV of paragraph 43, we are of the view that both the sub-clauses have to be read together, in which case the expression "*any other parties*" would necessarily mean any of the parties to the appeal before this Court including the interveners or the parties to the appeal before the AAIFR. If that is what this Court had intended, the Respondent No.1 (Shree Cement Ltd.) would not have been entitled to file a scheme for rehabilitation.

We have noticed that the High Court had also taken a view similar to what we have expressed.

However, on a very specious ground that the Respondent No.1 (Shree Cement Ltd.) was sponsored and adopted by the State of Rajasthan, the rehabilitation scheme submitted by it was directed to be considered.

We do not see how in the light of the order of this Court dated 24.03.2008, as has been understood by us, the impugned direction for consideration of the rehabilitation scheme of the Respondent No.1 (Shree Cement Ltd.) could have been issued by the High Court. We, therefore, allow this appeal and set aside the order of the High Court including the above stated direction.

.....,J.  
(RANJAN GOGOI)

.....,J.  
(PRAFULLA C. PANT)

NEW DELHI  
AUGUST 24, 2016

ITEM NO.103

COURT NO.6

SECTION XIV

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

Civil Appeal No(s).2937/2012

M/S GANNON DUNKERLEY &amp; CO.LTD.

Appellant(s)

VERSUS

M/S SHREE CEMENT LTD.&amp; ORS.

Respondent(s)

(with appln. (s) for impleadment and discharge of  
advocate-on-record, directions and office report)

WITH

W.P.(C) No. 392/2015

(With appln.(s) for directions and Office Report)

Date : 24/08/2016 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI

HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s)

Mr. C.U. Singh, Sr. Adv.  
Mr. R.N. Karanjawala, Adv.  
Ms. Ruby Singh Ahuja, Adv.  
Ms. Aakanksha Munjhal, Adv.  
Mr. Utsav Trivedi, Adv.  
Mrs Manik Karanjawala, Adv.

Mr. Colin Gonsalves, Sr. Adv.  
Ms. S. Sharma, Adv.  
Mr. Satya Mitra, Adv.

For Respondent(s)

Mr. Subramonium Prasad, Sr. Adv.  
Mr. Ashim Vachher, Adv.  
Mr. Shantanu Kumar, Adv.

Mr. Ashok Panda, Sr. Adv.  
Mr. T.A. Khan, Adv.  
Ms. Sweta Garg, Adv.  
Mr. Deepak Prakash, Adv.  
Mr. R.S. Rana, Adv.  
Mrs. Anil Katiyar, Adv.  
Mr. B.K. Prasad, Adv.  
Mr. Shreekant N. Terdal, Adv.

Mr. C.U. Singh, Sr. Adv.  
Mr. R.N. Karanjawala, Adv.  
Ms. Ruby Singh Ahuja, Adv.  
Ms. Aakanksha Munjhal, Adv.  
Mr. Utsav Trivedi, Adv.  
Mrs Manik Karanjawala, Adv.

Mr. Anand Mishra, Adv.  
Mr. Amrendra Kumar Singh Adv.  
Dr. (Mrs. ) Vipin Gupta, Adv.  
Dr. Charuwali Khanna, Adv.

Mr. Balraj Dewan, Adv.

Mr. Shiv Mangal Sharma, Adv.  
Mr. Saransh Kumar, Adv.  
Mr. Milind Kumar, Adv.

Mrs. Rachana Joshi Issar, Adv.  
Ms. Vandana Mishra, Adv.

Mr. Gaurav Dhingra, Adv.  
Mr. Ashutosh Kr. Sharma, Adv.  
Mr. Rajeev Dubey, Adv.

Mr. Ajay Choudhary, Adv.

Mr. B. K. Satija, Adv.

Mr. Debasis Misra, Adv

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

CIVIL APPEAL NO(S) .2937 OF 2012

The civil appeal is allowed in terms of the signed order.

As a sequel to the above, all pending interlocutory applications are disposed of.

W.P. (C) No. 392/2015

Having heard the learned counsels for the parties and perused the relevant material, we

direct, at this stage, that Respondent No.6 (Gannon Dunkerley & Co. Ltd.) shall deposit a sum of Rs.35,00,00,000/- (Rupees thirty five crores only) which amount, according to the Company, approximately, represents the dues of the workmen of Kanpur Jute Unit as well as the two other cement units in Rajasthan.

The above deposit will be made within a period of six weeks from today in the Registry of this Court. Orders with regard to disbursement of the said amount will follow.

Shri C.U.Singh, learned counsel appearing for respondent Nos. 5 and 6, has submitted that the said respondents are willing to extend the cut-off date for receipt of wages/salaries by the concerned workmen of the Kanpur Jute Unit till 2006, as in the case of Rajasthan Units, provided acceptance of the same is in full and final settlement of all dues.

Shri Colin Gonsalves, learned senior counsel, appearing for the petitioners shall obtain necessary instructions.

As a statement has been made at the Bar that there are some other Unions, which may not be

represented by Shri Gonsalves, learned senior counsel. We direct that the notice be also issued to all such units, the names, addresses and other details etc. of which will be furnished by the respondent Nos. 5 and 6 to the Registry within a week from today.

Notice be made returnable in six weeks.

List the matter for hearing after six weeks.

(Neetu Khajuria)  
Court Master

(Asha Soni)  
Court Master

(Signed order in C.A. No.2937 of 2012 is placed on the file)