

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 (C) No(s).29282-29284/2008

(From the judgement and order dated 17/10/2008 in OJA No.65/2006 & OJA No.66/2006 & OJA No.67/2006 of the HIGH COURT OF GUJARAT AT AHMEDABAD)

JABAL C.LASHKARI & ORS. Petitioner(s)

VERSUS

OFFICIAL LIQUIDATOR & ORS. Respondent(s)

(With appln(s) for permission to file additional documents and prayer for interim relief and office report)  
(FOR FINAL DISPOSAL)

WITH SLP(C) NO. 29632 of 2008  
(With appln.(s) for impleadment and with prayer for interim relief and office report)(FOR FINAL DISPOSAL)

SLP(C) NO. 29952 of 2008  
(With appln.(s) for bringing on record subsequent event and with prayer for interim relief and office report)(FOR FINAL DISPOSAL)

SLP(C) NO. 940 of 2009  
(With appln. for amendment of cause title and with prayer for interim relief and office report)(FOR FINAL DISPOSAL)

SLP(C) No.7864 of 2009  
(With office report)

SLP(C) No.12919 of 2009  
(With office report)

SLP(C) No.5880 of 2009  
(FOR FINAL DISPOSAL)

SLP(C) No.12835 of 2009  
(With office report)

SLP(C) No.21949 of 2009  
(With appln.(s) for c/delay in filing SLP and c/delay in refiling SLP and office report)(For directions)

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SLP(C) No.14276 of 2009  
(With prayer for interim relief and office report)

SLP(C) No....CC 18408/2009  
(With appln.(s) for c/delay in filing SLP and office report)

SLP(C) NO.1866 of 2009  
(With appln.(s) for directions and impleadment of legal heirs of respondent No.6 and correction and impleadment and deletion of the name of respondent and with prayer for interim relief and office report)(FOR DISPOSAL)(FOR DIRECTIONS)

SLP(C) No.2583 of 2009  
(With appln.(s) for permission to place on record subsequent facts and impleadment and permission to file additional documents and with prayer for interim relief and office report)

SLP(C) No.14316 of 2009  
(With prayer for interim relief and office report)

Date: 18/11/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.H. KAPADIA  
HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s) Mr. R.F. Nariman, Sr.Adv.  
in SLP 29282-84/08: Mr. Sanjeev K. Kapoor, Adv.  
Mr. Kumar Mihir, Adv.  
for M/s. Khaitan & Co.,Adv.

in SLP 940/09: Mr. Amar Dave, Adv.  
Mrs. Nandini Gore, Adv.  
Mr. Debmalya Banerjee, Adv.  
Mr. Kartik Bhatnagar, Adv.  
Mr. R.N. Karanjawala, Adv.  
Mrs. Manik Karanjawala, Adv.

in SLP 5880/09: Mr. Mohit Chaudhary, Adv.  
Mr. P.K. Mohapatra, Adv.  
Mr. Ramesh Gopinathan, Adv.  
Ms. Puja Sharma, Adv.  
Mr. Bhupal Bhattacharya, Adv.

in SLP 1866/09: Mr. H.A. Ahmadi, Adv.  
Ms. Meenakshi Arora, Adv.  
Mr. Mohit D. Ram, Adv.

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in SLP 29632/08: Mr. R.F. Nariman, Sr.Adv.  
Ms. Meenakshi Arora, Adv.  
Mr. Mohit D. Ram, Adv.

in SLP 29952/08: Dr. Rajeev Dhawan, Sr.Adv.  
Mr. D.N. Ray, Adv.  
Mr. Lokesh K. Choudhary, Adv.  
Ms. Sumita Ray, Adv.

in SLP 7864/09: Mr. Nikhil Goel, Adv.  
Mr. Marsook B., Adv.  
for Mrs. Sheela Goel, Adv.

in SLP 14276/09: Mr. Rakesh Dwivedi, Sr.Adv.  
Mr. Nikhil Goel, Adv.  
Mr. Chanakya B., Adv.  
for Mrs. Sheela Goel, Adv.

in SLP 12835/09: Mr. Shyam Divan, Sr.Adv.  
& SLP 14316/09: Mr. Chankya B., Adv.  
Mr. Nikhil Goel, Adv.  
for Mrs. Sheela Goel, Adv.

in CC 18408/09: Mr. Rakesh Dwivedi, Sr.Adv.  
Mr. Ramesh Singh, Adv.  
Mr. Nikhil Goel, Adv.  
Mr. Chanakya B., Adv.  
for Mrs. Sheela Goel, Adv.

Mr. B.K.Satija, Adv.

in SLP 21949/09: Mr. P. Ramesh Kumar, Adv.  
Ms. Aparna Bhat, Adv.

in SLP 2538/09: Mr. R.F. Nariman, Sr.Adv.  
Mr. Huzefa Ahmadi, Adv.  
Mr. Ejaz Maqbool, Adv.  
Ms. Taruna Singh, Adv.  
Mr. Pardhuman Gohil, Adv.  
Mr. Abhijeet Sinha, Adv.

For Respondent(s) Mr. Mahendra R. Anand, Sr.Adv.  
Mr. Aditya Kr. Choudhary, Adv.  
Mr. Dharmendra Kr. Sinha, Adv.  
Mr. R. Chandrachud, Adv.

in SLP 29982-84/08: Mr. Mukul Rohtagi, Sr.Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Rishi Agrawala, Adv.  
Mr. Gaurav Goel, Adv.

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Mr. Apurva Vakil, Adv.  
Mr. E.C. Agrawala, Adv.

Mr. S.N. Shelat, Adv.  
Mr. Sanjay R. Hegde, Adv.

State of Gujarat &  
GISDC:

Mr. Gopal Subramaniam, S.G.  
Mr. Jaideep Gupta, Sr.Adv.  
Mr. Sanjay R. Hegde, Adv.  
Mr. Mukund G. Nagarkar, Adv.  
Mr. A. Rohen Singh, Adv.

Mr. Roshan Desai, Adv.  
Mr. Gaurav Agrawal, Adv.

Mr. Ramesh N. Keswani, Adv.  
Mr. Ram Lal Roy, Adv.

R-2 in SLP 2583/09: Mr. Dinesh Mathur, Adv.  
Mr. Nishant Menon, Adv.  
for M/s. Dua Associates, Advs.

Mr. Anip Sachthey, Adv.

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

In S.L.P.(C) No.29282-29284/2008:

Stand over for three months.

In the meantime, we are directing the Company  
Judge to expeditiously hear and dispose of the pending  
Company Petition No.264 of 2008 filed by respondent No.4  
herein (Shaan Zaveri) under Section 391 of the Companies  
Act. It is made clear that this Company Petition No.264  
of 2008 is for revival of the Company. It is well  
settled that revival is on alternative to winding-up.  
This Court is of the view that an attempt should be made  
by the Company Court to see that the defunct Company can

be revived. It is with this idea that this order is being passed today. It is made clear that the Company Court will decide the revival application uninfluenced by any observations made in the pending impugned judgment of the Gujarat High Court keeping in mind the interest of the workmen.

Stand over for three months accordingly.

In S.L.P.(C) No....CC 18408/2009:

Delay condoned.

Issue notice.

Mr.Sanjay R. Hegde, Advocate, takes notice.

In S.L.P.(C) Nos.1866/2009, 29632/2008, 29952/2008, 12919/2009, 2583/2009:

I.A.Nos. 2 & 4 for impleadment, I.A.No.1 for deletion of name of respondent No.5 and I.A.No.3 for correction of the name of Respondent No.10 are allowed in S.L.P.(C) No.1866/2009.

In the above Special Leave petitions, we are informed that some owners/petitioners herein are in the process of moving the Company Court to frame appropriate Schemes under Section 391 of the Companies Act. Some of them are yet to move the Company Court. For those who are yet to move the Company Court, we are giving them two weeks' time to do so.

Since the workers' interest is being protected by

the method, we are adjourning the entire group by a period of three months so that if some concrete arrangement is arrived at, then, we need not examine the merits of the pending Special Leave Petitions.

The Company Court will decide the applications uninfluenced by the observations made in the impugned judgment. The pendency of these S.L.Ps. will not

preclude the Company Court from framing the Schemes.

In S.L.P.(C) Nos.940, 7864, 5880, 12835, 21949, 14276,  
14316 & CC 18408 of 2009: (Matters wherein Mr.Gopal  
Subramanium, S.G., appeared)

Matters to stand over for three months.

(N. ANNAPURNA)  
COURT MASTER

(MADHU SAXENA)  
COURT MASTER