

ITEM NO.4

COURT NO.5

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No.29632/2008

(Arising out of impugned final judgment and order dated 23/10/2008 in OJA No. 1/2003,23/10/2008 in CA No. 16/1999,23/10/2008 in CA No. 1/2003 passed by the High Court of Gujarat at Ahmedabad)

ANILKUMAR VAIKUTHLAL PATEL

Petitioner(s)

VERSUS

OFFICIAL LIQU.OF A.J.S.& M.MILLS CO.&ORS

Respondent(s)

WITH S.L.P.(C) No.29952/2008

(With appln.(s) for impleadment as party respondent and appln.(s) for exemption from filing O.T. of the additional documents and appln.(s) for bring on record subsequent event and appln.(s) for permission to file addl. documents and interim relief and office report)

S.L.P.(C) No.940/2009

(With appln.(s) for amendment of cause title and interim relief and office report)

S.L.P.(C) No.1866/2009

(With appln.(s) for c/delay in filing appl. for bringing lrs on record and appln.(s) for bringing lrs on record and appln.(s) for impleadment and appln.(s) for directions and interim relief and office report)

S.L.P.(C) No.2583/2009

(With appln.(s) for permission to file additional documents and appln.(s) for permission to place on record subsequent facts and appln.(s) for impleadment and interim relief and office report)

S.L.P.(C) No.5880/2009

(With interim relief and office report)

S.L.P.(C) No.7864/2009

(With appln.(s) for discharge of advocate on record and office report)

S.L.P.(C) No.12835/2009

(With office report)

S.L.P.(C) No.12919/2009

(With office report)

S.L.P.(C) No.14276/2009

(With interim relief and office report)

S.L.P.(C) No.14316/2009

(With interim relief and office report)

S.L.P. (C) No.21949/2009

(With appln.(s) for c/delay in filing SLP and appln.(s) for c/delay in refiling SLP and office report)

S.L.P. (C) No.31354/2009

(With appln.(s) for directions and appln.(s) for impleadment and office report)

S.L.P. (C) Nos.32444-32445/2010

(With appln.(s) for permission to file additional documents and interim relief and office report)

S.L.P. (C) No.31663/2011

(With appln.(s) for permission to file volume-ii and interim relief and office report)

S.L.P. (C) No.2353/2014

(With appln.(s) for c/delay in refiling SLP and appln.(s) for c/delay in filing SLP and interim relief and office report)

S.L.P. (C) No.4816/2012

(With office report)

S.L.P. (C) Nos.29282-29284/2008

(With appln.(s) for permission to file rejoinder affidavit and appln.(s) for permission to file additional documents and interim relief and office report)

Date: 01/09/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s) Ms. Meenakshi Arora, Sr. Adv.
Mr. M.I. Hava, Adv.
Mr. Chankya Bhauasar, Adv.
Mr. Mohit D. Ram, AOR
Ms. Monisha Handa, Adv.

Mr. D.N. Ray, Adv.
Mr. Lokesh K. Choudhary, Adv.
Mrs. Sumita Ray, AOR

Mr. Amar Dave, Adv.
Mr. Abhishek Ray, Adv.
Ms. Trishala Kulkarni, Adv.
Mrs. Manik Karanjawala, AOR

Mr. Abhay Singh Kushwaha, Adv.
Mr. Pradeep Kumar Dubey, AOR

Ms. Anushree Kapadia, Adv.

Mr. George Thomas, Adv.
Mr. Ejaz Maqbool, AOR
Ms. Akriti Chaubey, Adv.

Mr. Nikhil Goel, AOR
Ms. Naveen Goel, Adv.

Mrs Sheela Goel, AOR

Mr. B. K. Satija, AOR

Ms. Aparna Bhat, AOR

Mr. A. Venayagam Balan, AOR

Mr. Nachiketa Joshi, AOR
Ms. Sucheta Joshi, Adv.
Mr. Ritwiz Rishabh, Adv.

Mr. Venkita Subramoniam T. R., AOR

Mr. Raghavendra S. Srivatsa, AOR

Mr. Prateek Kumar, Adv.
Mr. Sanjeev K. Kapoor, Adv.
M/s. Khaitan & Co.

For Respondent(s)

Mr. Tushar Mehta, ASG
Mr. Jaideep Gupta, Sr. Adv.
Mr. Sanjay R. Hegde, Sr. Adv.
Mr. Mukund G. Nagarkar, Adv.
Mr. Anil Kumar Mishra-I, AOR

Mr. Yashank Adhyaru, Sr. Adv.
Mr. Sridhar Potaraju, Adv.
Mr. B.B. Sawhney, Adv.
Ms. Sushma Suri, Adv.

Mr. M.R. Mahendra Anand, Sr. Adv.
Mr. Aditya Choudhary, Adv.
Mr. Upinder D., Adv.
Ms. Kanika Gaur, Adv.
Mr. Dharmendra Kumar Sinha, AOR

Mr. Gaurav Agrawal, AOR

Mr. Rajesh Kumar, Adv.
Mr. Gaurav Kumar Singh, Adv.
Mr. Rakesh Chaurasiya, Adv.
for M/s Mitter & Mitter Co.

Mr. Ram Lal Roy, Adv.
Mr. R. N. Keshwani, AOR

Mr. K.R. Sasiprabhu, AOR
Mr. Somiran Sharma, Adv.
Mr. Vishnu, Adv.

Mr. Manish K. Bishnoi, AOR

Mr. Apurva Vakil, Adv.
Mr. Ankur Saigal, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Shashank Manish, Adv.
Mr. E. C. Agrawala, AOR
Mr. Satyendra Kumar, Adv.

Ms. Hemantika Wahi, Adv.
Ms. Jesal Wahi, Adv.
Ms. Vinakshi Kadan, Adv.

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

List these matters on 19th November, 2015.

S.L.P. (C) Nos.29282-29284 of 2008

This Court on 18th November, 2009, in respect of the aforesaid special leave petitions, had passed the following order:

"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."

On 29th October, 2013, the following order came to be passed:

"It has been submitted by the learned counsel for the parties that in spite of observations made by this Court at an earlier point of time with regard to early hearing of Company Petition No.264 of 2008, it has not been heard so far by the High Court.

We are sure that the High Court will do the needful to decide the same at an early date.

List on 7th January, 2014."

We have been apprised by Mr. Apurva Vakil, learned counsel appearing for the respondent No.4, who is the petitioner before the High Court in Company Petition No.264 of 2008, that though there has been a request by this Court for proceeding with the matter as per the suggestions given, the same has not yet been done. Regard being had to the earlier orders passed, we reiterate the request and expect the High Court to dispose of the petition by end of November, 2015. We would also request the High Court not to grant adjournment to either of the parties and the parties are directed not to seek any adjournment before the High Court.

Let this matter be listed in the second week of January, 2016.

The Registrar (Judicial) is directed to send a copy of this order to the Registrar General of the High Court of Gujarat, so that he can place it before the concerned Company Judge.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master