

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

SPECIAL LEAVE PETITION (CIVIL) NO. 1053 OF 2020

RAMENDRA D. MAYENKAR & ORS. . . . PETITIONER(S)
VERSUS
THE STATE OF GOA & ORS. . . . RESPONDENT(S)

O R D E R

1. By the order dated 29.02.2016, the Labour Court ordered Rs. 92,67,067/- (Rupees Ninety two lakhs sixty seven thousand and sixty seven only) with interest payable at the rate of 9% p.a. The amount totalling Rs.2,48,13,087/- (Rupees two crores forty eight lakhs thirteen thousand and eighty seven only) is stated to be payable to the petitioners. The Labour Commissioner issued a Recovery Certificate for recovery of the amount as arrears of land revenue under the Goa, Daman and Diu Land Revenue Code, 1968 by the Recovery Certificate dated 25.09.2018. When the petitioner approached Respondent No. 3 - Mamlatdar, the Mamlatdar informed that he himself taken steps against respondent no. 4 under the SARFAESI Act for the amount due and payable to the banks.

2. Being aggrieved by the order of the Mamlatdar, the petitioners approached the Bombay High Court by way of filing the writ petition. The writ petition was disposed of by giving liberty to the petitioners to proceed either under the Bankruptcy Code or through their Union and act in concert with respondent no. 6 - bank

to ensure that the maximum returns are obtained or to proceed for civil arrest of the Director of respondent no. 4.

3. We have heard learned counsel appearing on behalf of the petitioners as well as learned counsel appearing on behalf of the respondents.

4. Since under law other remedies are available to the petitioners, we are not inclined to interfere with the impugned order. The special leave petition is, accordingly, disposed of giving liberty to the petitioners to avail the remedy either before the NCLT or other remedies as observed by the High Court in para (7) of the impugned order.

5. Additionally, the petitioners are also at liberty to make representation to the banks who have taken action under the SARFAESI Act. In case, if the petitioners choose to approach the NCLT, four weeks' time is granted to the petitioners to approach the NCLT.

.....J.
[R. BANUMATHI]

NEW DELHI
17TH MARCH, 2020

.....J.
[A.S. BOPANNA]

ITEM NO.7

COURT NO.2

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(s). 1053/2020
(Arising out of impugned final judgment and order dated 07-10-2019
in WP No. 151/2019 passed by the High Court Of Judicature At Bombay
At Goa)

RAMENDRA D. MAYENKAR & ORS.

Petitioner(s)

VERSUS

THE STATE OF GOA & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.7294/2020-EXEMPTION FROM FILING
C/C OF THE IMPUGNED JUDGMENT)

Date : 17-03-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Mayank Pandey, AOR

For Respondent(s) Ms. A. Subhashini, AOR

Mr. O. P. Gaggar, AOR
Mr. Aditya Gaggar, Adv.

Ms Ruchira Gupta, Adv.
Mr. Anurag Sharma, Adv.

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

The special leave petition is disposed of in terms of the
signed order.

Pending application(s), if any, shall also stand disposed
of.

(MADHU BALA)
AR-CUM-PS
(Signed order is placed on the file)

(BEENA JOLLY)
BRANCH OFFICER