

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

I.A.NO.8 & 1 OF 2009 IN CIVIL APPEAL NOS. 6381-6382 OF 2009

M/S NEW HORIZON SUGAR MILLS Petitioner(s)
VERSUS
ARIYUR SUGAR MILLS STAFF WELFARE & ORS. Respondent(s)

(With appln(s) for clarification of court's order dt.31.8.2009 and office report)

WITH I.A.NO.2 IN C.A. NO.6382/2009

(With appln. for clarification of court's order dated 31.8.2009 and office report)

Date: 11/12/2009 These I.As were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s) Mr. V. Ramasubramanian, Adv.
Mr. Ravi, Adv.

Mr. P.S. Narasimha, Sr. Adv.
Mr. T. Harish Kumar, Adv.
Mr. Chandrasekar, Adv.
Mr. Prasanth P., Adv.
Mr. V. Vasudevan, Adv.

For Respondent(s) Mr. Himanshu Munshi, Adv.

Mr. S.R. Setia, Adv.

Mr. V.G. Pragasam, Adv.
Mr. S.J. Aristotle, Adv.
Mr. Prabu Ramasubramanian, Adv.

Mr. Subramonium Prasad, Adv.

Mr. R. Nedumaran, Adv.

Mr. Senthil Jagadeesan, Adv.

Mr. R. Balasubramanian, Sr. Adv.
Ms. N. Shoba, Adv.
Mr. Sri Ram J. Thalopathy, Adv.
Mr. V. Adhimoolam, Adv.
Mr. B. Karunakaran, Adv.

UPON hearing counsel the Court made the following

O R D E R

The applications are disposed of in terms of the signed order.

(Ravi P. Verma) (M.S. Negi)
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

I.A.NO. 8 & 1

IN

CIVIL APPEAL NOS. 6381-6382 OF 2009

M/S. NEW HORIZON SUGAR MILLSAPPELLANT(S)

Versus

ARIYUR SUGAR MILLS STAFF WELFARERESPONDENT(S)
& ORS.

O R D E R

This Court had disposed of these appeals by order dated 31/8/2009. In paragraph 9, this Court had categorically stated that the Labour Commissioner, Puducherry shall verify, quantify and pay the "employees' dues" and the "workers' dues". The present applications for clarification is filed having regard to a doubt expressed by the Labour Commissioner as to whether determination by him should be restricted only to the amount payable under Section 25FF of the Industrial Disputes Act, 1947 or the other dues also.

2. As noticed above, this Court, after hearing all the parties and ascertaining the broad consensus, had stated that the workers' dues and employees' dues should be determined, thereby referring to all dues that are to be paid to the employees/workmen concerned. This was to ensure

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that the retrenched workmen and employees are not driven to various fora for the purpose of getting the amounts due to them determined. New Horizon, on account of the sale, has become the ex-employer and EID Parry does not want their services.

3. To avoid any further disputes between EID and New Horizon, we issue the following additional directions/clarifications:

(a) The sum of Rupees six crores and interest accrued thereon referred to in paragraph 9 of our order shall be used for the purpose of settling the dues of

workmen/employees.

(b) If the said amount (rupees six crores and interest thereon) is insufficient, as already directed, the Commissioner should apply to the Madras High Court for release of further fund from the amount in deposit with it.

This direction means that until the Commissioner completes the assessment of the amount due to be paid to the employees/workmen, the Madras High Court shall not release the amounts deposited with it to anyone else as it should be first used for settling the dues of employees/workmen.

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.....3.

(c) In paragraph 10 of this Court's order, this court had directed that rupees two crores deposited by the EID Parry should be refunded to EID Parry. The question whether EID Parry is liable for any of the employees/workmen's dues other than Section 25FF or whether it should be paid to the New Horizon itself is an issue pending in Writ Petition No.24834/2005 or any other proceeding pending between them. Until that is done, the sum of rupees two crores deposited by the EID Parry shall continue to be in deposit and EID Parry shall not withdraw the said amount or interest thereon. After the issue of liability is ultimately decided, consequential orders may be passed by the High Court in regard to the said sum of Rupees two crores.

(d) In the proceedings for determination of the employees/workmen's dues before the Labour Commissioner, both New Horizon and EID Parry may participate. As New Horizon contends that the entire records have been taken over by the Indian Bank, the said Bank shall make available the records to New Horizon.

(e) In view of the fact that the workers' dues are being fully settled, the employees/workmen shall not claim employment under EID Parry nor obstruct reopening or functioning of the unit by EID Parry.

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(f) The period of three months mentioned in the order dated 31.8.2009 to enable the Labour Commissioner to complete the quantification process is extended by another six months from today.

4. With the above clarification, the applications are disposed of.

.....J.
(R.V. RAVEENDRAN)

New Delhi;
December 11, 2009.

.....J.
(K.S. RADHAKRISHNAN)