

NON-REPORTABLEIN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO. 18898-18899 OF 2017
[@ SPECIAL LEAVE PETITION (C) NOS. 6548-6549 OF 2017]

STATE OF MADHYA PRADESH

Appellant(s)

VERSUS

OFFICIAL LIQUIDATOR
M/S HUKUMCHAND MILLS LTD. (IN LIQUIDATION)
& ORS.

Respondent(s)

J U D G M E N TKURIAN, J.

1. Leave granted.
2. The limited grievance with which the appellant-State has come up before this Court is that the liberty sought by it before the learned Company Judge to file a suit has been declined.
3. The application was filed under Section 446 of the Companies Act, 1956. The reason for rejection of the application, according to the High Court, is that the State did not have any say in the matter since it was a case of lease between the Municipal Corporation and the company in liquidation. However, it is the case of the State that the State is the owner of the land, therefore, it has a stake in the matter.

4. In our view, this being a new case set up by the State for the first time before this Court, the same needs to be addressed by the learned Company Judge.

5. Accordingly, the impugned order is set aside and the matter is remitted to the learned Company Judge. We make it clear that the learned Company Judge will decide the matter afresh without being influenced by any of the observations made by this Court or the stand taken by the High Court in the impugned order. We request the learned Company Judge to consider the matter expeditiously and in any case, within two months from the date of production of a copy of this Judgment.

6. We make it clear that we have not expressed any opinion on the merits of the case, therefore, all contentions are left open to the parties to raise before the learned Company Judge. It will be open to the secured creditors to bring to the notice of the Company Judge any subsequent development as well. The contentions made on behalf of the workmen shall also be addressed by the learned Company Judge.

7. In view of the above, the civil appeals are disposed of.

Pending Interlocutory Applications, if any, stand disposed of.

.....J.
[KURIAN JOSEPH]

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

New Delhi;
November 17, 2017.

ITEM NO.7

COURT NO.5

SECTION IV-A

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). 6548-6549/2017

(Arising out of impugned final judgment and order dated 14-06-2016 in CO No. 3/2014 14-06-2016 in CO No. 4/2014 passed by the High Court Of M.p At Indore)

STATE OF MADHYA PRADESH

Petitioner(s)

VERSUS

OFFICIAL LIQUIDATOR M/S HUKUMCHAND MILLS LTD.
(IN LIQUIDATION) & ORS.

Respondent(s)

(FOR STAY APPLICATION ON IA 5/2017
FOR EXEMPTION FROM FILING O.T. ON IA 7/2017 and IA
No.63075/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS and IA
No.63088/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS
FOR APPLICATION FOR TRANSPOSITION ON IA 51476/2017)

Date : 17-11-2017 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

Counsel for the
parties

Mr. Dhruv Mehta, Sr. Adv.
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Ms. Swarupama Chaturvedi, Adv.
Mr. Manish Yadav, Adv.
Mr. Rohit Chandra, Adv.
Mr. Aakash Nandolia, Adv.

Mr. Sandeep Mahapatra, Adv.
Ms. Mrinmayee Sahu, Adv.
Mr. Kayesh Begg, Adv.

Mr. Navee Kumar, Adv.
Mr. Rabin Majumder, Adv.

Mr. Mishra Saurabh, Adv.
Mr. Ankit Kumar Lal, Adv.

Mr. Navin Prakash, Adv.

Mr. Girish Patwardhan, Adv.
Mr. Dheeraj Singh Panwar, Adv.
Ms. Meetu Singh, Adv.

Mr. Amar Dave, Adv.
Mr. Krishnayan Sen, Adv.
Mr. Uddyam Mukherjee, Adv.

Mr. Sanjay Kapur, Adv.
Ms. Mansi Kapur, Adv.
Ms. Megha Karnwal, Adv.

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

Leave granted.

The civil appeals are disposed of in terms of the signed
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)