

**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). 19520/2017**

**(Arising out of impugned final judgment and order dated 04-08-2016 in WP No. 15208/1994 passed by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh)**

**M/S DIAMOND PLAST INDUSTRIES**

**Petitioner(s)**

**VERSUS**

**THE GOVERNMENT OF ANDHRA PRADESH REP. BY ITS  
PRINCIPAL SECRETARY HYDERABAD AND ORS.**

**Respondent(s)**

**([TO BE TAKEN UP AS FIRST CASE]**

**IA No. 67716/2017 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES**

**IA No. 56506/2017 - PERMISSION TO FILE ADDITIONAL  
DOCUMENTS/FACTS/ANNEXURES)**

**WITH SLP(C) No. 20043-20045/2017**

**(FOR ADMISSION and IA No.48257/2017-PERMISSION TO FILE LENGTHY LIST  
OF DATES)**

**SLP(C) No. 30962-30964/2017**

**(IA No. 63584/2017 - PERMISSION TO FILE LENGTHY LIST OF DATES)**

**SLP(C) No. 30965/2017**

**(IA No. 57501/2017 - PERMISSION TO FILE LENGTHY LIST OF DATES)**

**SLP(C) No. 27838/2017**

**Date : 01-10-2024 These matters were called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE ABHAY S. OKA**

**HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

**For Petitioner(s)**

**Mr. S.Ravishankar, Adv.**

**Ms. Meghna Mukherjee, Adv.**

**Mrs. S. Yamunah Nachiar, AOR**

**Mr. S. Ravi Shankar, AOR**

**Ms. Meghna Mukherjee, Adv.**

**Ms. Yamunah Nachiar, Adv.**

**For Respondent(s)**

Mr. C. S Vaidyanathan, Sr. Adv.  
Ms. Devina Sehgal, AOR  
Mr. S. Uday Bhanu, Adv.  
Mr. Kumar Vaibhaw, Adv.  
Ms. Somaya Gupta, Adv.  
Mr. Yatharth Kansal, Adv.

Mr. Rajiv Kumar Choudhry, AOR

Mr. S.Udaya Kumar Sagar, AOR

Mr. Guntur Prabhakar, AOR

Mr. Rajat Nair, Adv.  
Mr. Ankur Talwar, Adv.  
Mr. Rajan Kr.chourasia, Adv.  
Ms. Sunita Sharma, Adv.  
Mr. T.S.Sabarish, Adv.  
Mr. Kritagya Kait, Adv.  
Mr. Sudarshan Lamba, AOR

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

Heard the learned counsel appearing for the petitioners.

By approaching the High Court by way of Article 226 of the Constitution of India, the petitioners claimed from the State Government the amounts which according to the petitioners were due and payable to them by the Hyderabad Allwyn Ltd. (HAL), a company which went in liquidation. The petitioners made their claim before the Board for Industrial and Financial Reconstruction (BIFR). The claim was not accepted and a liberty was granted to the petitioners to file a Civil Suit. The order of the has BIFR attained finality. However, the petitioners have not availed the remedy of filing a Civil Suit.

The learned counsel appearing for the petitioners has taken us through the various documents. None of the documents establish that the liability of HAL was taken over by the State Government. The High Court has made threadbare consideration of the claim made by the petitioners and has held that the petitioners have not established that the State Government is liable to pay the amounts allegedly payable by HAL to them.

After having carefully perused the impugned judgment of the High Court, we find no error in the view taken by the High Court.

The learned counsel appearing for the petitioners pointed out that by amending the Writ Petition, the action of the Chairman of Andhra Pradesh Micro & Small Enterprises Facilitation Council was challenged by the petitioners.

Apart from the fact that the impugned judgment shows that the said challenge was not pressed, in this Special Leave Petition filed in the year 2017, Andhra Pradesh Micro & Small Enterprises Facilitation Council is not even made a party. We may note that the High Court has considered the note put up by the Joint Secretary, Finance Department to the Government on 13<sup>th</sup> July, 2016 which deals with all the issues including the issue raised under Micro, Small and Medium Enterprises Development Act, 2006. The note records that in the instant case, the Government is neither a buyer nor a

seller and therefore, no purpose will be served by approaching the Industry Facilitation Council.

Hence, we are unable to accept the submissions of the learned counsel appearing for the petitioners. The Special Leave Petitions are accordingly dismissed.

Pending applications also stand disposed of.

(ANITA MALHOTRA)  
AR-CUM-PS

(AVGV RAMU)  
COURT MASTER