

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.....
Diary No. 2125/2017

(Arising out of impugned final judgment and order dated 04-08-2016 in WP No. 15217/2002 passed by the High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh)

M/S SESHASAI PLASTICS INDUSTRIES & ORS. Petitioner(s)

VERSUS

BOARD FOR INDUSTRIAL AND FINANCIAL
RECONSTRUCTION & ORS. Respondent(s)

(With IA No.54288/2017-FOR CONDONATION OF DELAY IN FILING, IA No.54291/2017-FOR CONDONATION OF DELAY IN REFILING and IA No.54287/2017-FOR PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

SLP (C)No. 19520/2017
(With IA No. 67716/2017-FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS)

SLP (C)No. 20043-20045/2017
(With IA No.48257/2017-FOR PERMISSION TO FILE LENGTHY LIST OF DATES)

Date : 06-10-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ABHAY MANOHAR SAPRE
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. S. Ravi Shankar, AOR
Mr. S. Yamunah Nachiar, Adv.
Ms. Parnika Jain, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

Delay condoned.

It is the submission of the learned counsel for the petitioners that when reference was made by Hyderabad Allwyn Limited (HAL), which was a public sector company owned by the State of Andhra Pradesh (now Telangana), a specific clause was made for incorporation of the claims of the Small Scale Industries (hereinafter referred to as 'SSIs') including the petitioners. It is pointed out that the dispute was regarding reduction of price in respect of the goods supplied by the petitioners herein, as to whether such reduction was proper or not. The petitioners as well as other SSIs have raised various claims.

Learned counsel has also pointed out that the matter had travelled up to this Court and this Court has also made the observation that the State Government would be bound by the scheme as sanctioned by the Board for Industrial and Financial Reconstruction (BIFR). He submits that in order to verify the claims of these SSI units, the State Government had constituted a Committee and the said Committee had gone into the issue and came to a categorical finding that total amount payable to the SSI units was Rs.2,654.30 lakhs (subject to recalculation of correct interest) and has also stated that this amount was payable by the State Government to the SSIs. This Committee had even recommended the Government to negotiate with the SSIs keeping in view the

calculations which are made by the Committee in the said Report (Annexure P-55 at page 939 of SLP (C)No. 19520/2017). On that basis, submission of the learned counsel for the petitioners is that the State Government becomes liable to clear the dues of the petitioners herein even if HAL has gone into liquidation.

Issue notice, returnable in six weeks.

We make it clear that it would be open to the State Government to negotiate for settlement with these petitioners.

(NIDHI AHUJA)
COURT MASTER

(MADHU NARULA)
COURT MASTER