

ITEM NO.30

COURT NO.11

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 SPetition(s) for Special Leave to Appeal (C) No(s).
27210-27215/2015

(Arising out of impugned final judgment and order dated 15/07/2015 in LPA No. 945/2015,15/07/2015 in LPA No. 946/2015,15/07/2015 in LPA No. 947/2015,15/07/2015 in LPA No. 948/2015,15/07/2015 in CA No. 755/2011,15/07/2015 in SCA No. 15599/2008,15/07/2015 in CA No. 754/2011,15/07/2015 in LPA No. 807/2015,15/07/2015 in SCA No. 134/2006,15/07/2015 in LPA No. 944/2015,15/07/2015 in CA No. 6190/2015,15/07/2015 in CA No. 756/2011,15/07/2015 in CA No. 4772/2008 passed by the High Court Of Gujarat At Ahmedabad)

BARODA RAYON EMPLOYEES EKTA UNION THR.
ITS GENERAL SECRETARY

Petitioner(s)

VERSUS

LAXMINARAYAN INDUSTRIAL COOPERATIVE SERVICE
SOCIETY LTD. & ORS. ETC. ETC.

Respondent(s)

(with appln. (s) for exemption from filing O.T. and permission to file synopsis and list of dates and interim relief and office report)

Date : 28/09/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAMAJIT SEN
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s)

Mr. T.R. Andhyarujina, Sr. Adv.
Mr. V.K. Garg, Sr. Adv.
Mr. O. P. Bhadani, Adv.
Mr. Dipak R. Dave, Adv.
Mr. Ashok Anand, Adv.

For Respondent(s)

Dr. A.M. Singhvi, Sr. Adv.
Ms. Suruchi Suri, Adv.

Signature Not Verified

Mr. Dhaval Vyas, Adv.

Digitally signed by
Usha Rani Bhardwaj
Date: 2015.10.01

Mr. Ninad D., Adv.

14:00:41 IST

Reason:

Mr. Avinash Kumar, Adv.
2Mr. P. Chidambaram, Sr. Adv.
Mr. Mihir Thakur, Sr. Adv.
Mr. Alok Bhachawat, Adv.
Ms. K. V. Bharathi Upadhyaya, Adv.UPON hearing the counsel the Court made the following
O R D E R

We have heard learned Senior Counsel for the parties at some length. On the one hand there are approximately 3000 workmen who have not received their dues although this figure is contested on the premise that some workmen have taken up in alternate employment. On the other hand there are over 2700 owners of plots which have been carved out from the immovable property of the Rayon company, whose transaction has been set aside by the learned Single Judge.

These factors alone compel us to request the Division Bench to hear and decide the pending Letters Patent Appeal within three months.

On instructions, Mr. Thakur, learned Senior Counsel appearing for the Baroda Rayon Corporation Ltd. states that as of today, there are no transactions pertaining to the remainder of unencumbered land presently pending. He submits that as per the Government valuation, immovable property worth approximately Rupees 600 crores is available for disbursement of dues of the creditors. Needless to state, even amongst secured creditors it is the workmen who are given precedence so far as clearance of their wages and other dues are concerned.

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In these premises, the Respondents are restrained from entering into any sale agreements in respect to the immovable property presently remaining unencumbered. This will be subject to any orders that may be passed by the Division Bench hereafter, after hearing both the parties. It has already been clarified that the dues of the Petitioners-workmen shall be cleared before any other secured creditors or other claimants. Liberty is granted to the Respondents to approach the Division Bench seeking liberty to sell any of its immovable properties in order to meet the outstanding dues of the Petitioners-workmen, within two weeks from today.

Since we have requested the Division Bench to expedite

allottees of plots from creating any third party interest as

regards possession or title thereon without the prior permission

and clearance of the Division Bench of the High Court seized of the

LPA.

Special leave Petitions are disposed of in the above terms.

(NEELAM GULATI)
COURT MASTER

(SAROJ SAINI)
COURT MASTER