

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

WRIT PETITION(S)(CIVIL) NO(S). 1049/2023

SHRI BRIJ KALRA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(FOR ADMISSION)

Date : 03-10-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. Sanjiv Sen, Sr. Adv.
Mr. Sayan Ray, AOR
Mr. Ankit Sharma, Adv.
Ms. Anjali Singh, Adv.
Ms. Radha Gupta, Adv.

For Respondent(s)

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

We have heard learned senior counsel for the petitioner, who has filed this writ petition under Article 32 of the Constitution of India, seeking the following prayers:

"In light of the foregoing submissions, it is most humbly prayed that this Hon'ble Court may be pleased to:

(a) Issue a Writ of Mandamus or any other appropriate Writ, Order or Direction to Respondent No.3 to take immediate time bound steps to refund the Petitioner (at least) the principal admitted dues of Rs.82,37,400/- as shown in the List of Creditors submitted by Respondent No.3 to the Hon'ble High Court, AND

(b) Issue a Writ of Mandamus or any other appropriate writ, order or direction to Respondents No.1-7 to investigate into the affairs of TIDCO, its promoters (i.e. the Mittal Family) taking into consideration the contents of the SFIO Report dated 04.09.2012 and submit a report to this Hon'ble Court, AND

(c) Issue a writ of Mandamus or any other appropriate writ, order or direction to Respondent No.3 directing it to furnish a comprehensive report on the work done by it from the admission of Co.PET. No. 39/2009 on 17.10.2012, more particularly, the details of creditors and their dues, the list of assets taken custody of and their liquidation and market values, efforts made by the Respondent No.3 to sale/liquidate the assets, receivable received from debtors of TIDCO, and expenses incurred and defrayed towards litigation costs, etc.

(d) Issue a Writ of Mandamus or any other appropriate writ, order or direction to Respondents No.1, 2, 4 to conduct a forensic audit into the affairs of the companies named in Sl. No.3(xiii) above, and into the business dealings of the Mittal Family as a whole, at present.

(e) Issue a Writ of Mandamus or any other appropriate writ, order or directing closure of the winding-up proceedings within a definite time period, taking into account Respondent No.3's opinion on the matter, AND

(f) Issue a Writ of Mandamus or any other appropriate writ, order or direction to Respondents No.1 and 2 to consider the case of the Petitioner and other stranded homebuyers of TIDCO under the SWAMIH-I Scheme propounded by the Union Government, AND

(g) Pass any other order as this Hon'ble Court may deem fit in the interest of justice, equity and good conscience"

Learned senior counsel appearing for the petitioner submitted that the winding up petition has been seized by the learned Judge, of the Company Court of the High Court. However, the petitioner has not been in a position to seek the aforesaid prayers before the said Court.

In the circumstances, we dispose of this writ petition by reserving liberty to the petitioner herein to move the learned Judge of the Company Court of the High Court by making appropriate prayers before the said Court in order to seek the aforesaid reliefs.

It is needless to observe that if any application or request is made by the petitioner before the said Court the same shall be considered as expeditiously as possible and in accordance with law.

With the aforesaid observations and directions the writ petition is disposed of.

Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA)
COURT MASTER (SH)

(MALEKAR NAGARAJ)
COURT MASTER (NSH)