
(2004) 04 PAT CK 0075
In the Patna High Court
Case No : CWJC No. 4330 of 2004

Ashok Paper Mills Ltd.

APPELLANT

Vs

Union of India (UOI) and Others

RESPONDENT

Date of Decision : 23-04-2004

Acts Referred:

Citation : (2004) 2 BLJR 1037

Hon'ble Judges : Radha Mohan Prasad, J

Bench : Single Bench

Advocate : Narendra Prasad, Amit Shrivastava and D.V. Pathy, for the Appellant; H.N. Sinha, Addl. SC for the Respondent Nos. 1 to 3, R.P. Bhagat, GP-IV and S.K. Ranjan, JC to GP-IV for the Respondent No. 5, I.K. Saran, Binoy Kumar and M. Madhav for the Respondent No. 7 and Ranjit Sahay, for the Respondent No. 13, for the Respondent

Final Decision : Dismissed

Judgement

Radha Mohan Prasad, J.—Heard learned counsel for the parties.

2. In this writ petition, the petitioner is aggrieved by the order dated 22.2.2001 of the Secretary, Industries Department, Government of Bihar, contained in Annexure-1/A, and the consequential order contained in Annexure 11 of the District Magistrate, Darbhanga to the Director of the Company and Annexure 14 jointly written by the District Magistrate and the Superintendent of Police, Darbhanga to the Industrial Development Commissioner, Bihar, Patna seeking guidelines with respect to the situation prevailing in the Mill.

3. According to the learned counsel for the petitioner, the orders, contained in Annexure 1/A and 11, clearly amount to putting embargo upon implementation of the Scheme, which forms part of the order of the Supreme Court. Learned counsel contended that the order (Annexure 1/A), besides being in utter violation of the order of the Supreme Court, has been passed in utter violation of the principles of natural justice as the petitioning Mill was not given any notice or

opportunity before the said order was passed directing the District Magistrate not to allow any property of the Mill to go out of the Mill premises. Learned counsel also contended that as per Clause 1.34 of the Scheme, monitoring committee has been vested with the power to ensure implementation of the revival package under the Scheme, yet the monitoring committee has not taken steps and, thus, the petitioner under compelling circumstances took steps to ensure revival of the Mill by getting certain parts repaired outside the premises of the Mill.

4. It seems that the matter was taken up to the Supreme Court in a writ petition (Civil) No. 174/91 by the Ashok Paper Mills Kamgar Union and the matter ended in taking over of the management by a private entrepreneur in terms of the report submitted by the Government of India in consultation with various agencies, vide order passed by the Supreme Court, contained in Annexure-1, and the writ petition was disposed of in terms of the said report subject to the objection mentioned in the said order (Annexure-1). Thus, if any authority is attempting to create any hurdle or embargo in the matter of compliance of the Scheme, which is part of the order of the Supreme Court, it would amount to contempt of the Supreme Court. In any view of the matter, in order to consider the submissions made by the learned counsel for the petitioner, this Court has been called upon to examine and interpret the scope of the Scheme which forms part of the order of the Supreme Court. It is contended that with similar grievance the petitioner had moved the Supreme Court by filing I.A. but the same was withdrawn on 4.2.2004.

5. This Court, thus, finds that in order to test as to whether the authorities have attempted to put any embargo in the matter of compliance of the Scheme, which forms part of the order of the Supreme Court, the High Court cannot go into the same and interpret the order of the Supreme Court, moreso when I.A. with similar grievance was moved by the petitioner before the Supreme Court and later the same was withdrawn on 4.2.2004.

6. The writ application is, thus, dismissed.