
(2005) 01 JH CK 0046

In the Jharkhand High Court

Case No : Writ Petition (C) No. 3278 of 2002

Asiatic Oxygen Ltd. and Others

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 11-01-2005

Acts Referred:

Bihar Reorganisation Act, 2000 — Section 47

Citation : (2005) 2 JCR 537

Hon'ble Judges : S.J. Mukhopadhaya, Acting C.J.;Narendra Nath Tiwari, J

Bench : Division Bench

Advocate : Biren Poddar and Benani Verma, for the Appellant; B.S. Lall, AAG, Mokhtar Khan, Ajit Kumar and A. Allam, for the Respondent

Judgement

1. Heard in part.
2. Mr. Ajit Kumar, learned counsel appearing on behalf of the Bihar State Industrial Development Corporation (hereinafter referred to as BSIDC) submitted that the writ petition is not maintainable at the behest of the petitioners as the petitioners are among one of the share holders out of a number of share holders and other share holders have not been impleaded as party to the instant writ petition.
3. It is stated that the provision of Section 47 of the Bihar Reorganisation Act is not applicable in the present case.
4. We have perused the prayer made in the writ petition and the facts pleaded including the prayer as made at Clause (D) of paragraph 1.
5. Having heard the learned counsel for the parties, we want to know from the Bihar State Industrial Development Corporation :--
 - (i) whether the BSIDC or the State of Bihar intends to take steps to wind up Bihar Air Product, Jamshedpur? If so, then in what capacity and under which provision of law? and

(ii) whether the State of Bihar or BSIDC wants to interfere with the management and affairs of Bihar Air Products Ltd. Jamshedpur? If so, then in what capacity and under which provision of law?

6. It would be open to the BSIDC to file a simple affidavit and state that they are not going to wind-up the Bihar Air Products Ltd., Jamshedpur not in wants to interfere with the management and affairs of the State Government.

7. Mr. A. Allam, learned counsel appearing for the State of Bihar as also Mr. B.S. Lall, learned Additional Advocate General appearing for the State of Jharkhand are also directed to obtain instructions and file reply to the queries. By way of last chance, counsel for the Central Government is also allowed four weeks time to seek instructions and file affidavit.

8. List this case for further hearing under the heading "for orders" on the 17th of February, 2005. In the meantime, the State of Bihar or the BSIDC will not take any step for liquidation or will not make any interference with the functioning of Bihar Air Products Ltd., Jamshedpur without prior permission of the Court. However, this order will not stand in the way of the management of the Company or any interested party to take steps or any action as per law such as the Companies Act.

9. Let copy of this order be handed over to the learned counsel for the parties.