
(2013) 04 DEL CK 0124
In the Delhi High Court
Case No : W.P. (C) 2416/2013

Hall and Anderson Ltd. and Another APPELLANT
Vs
National Textile Corporation Ltd. and Another RESPONDENT

Date of Decision : 23-04-2013

Acts Referred:

Citation : (2013) 04 DEL CK 0124

Hon'ble Judges : V.K. Jain, J

Bench : Single Bench

Judgement

V.K. Jain, J.—Sh. Madhusudan Mill in Mumbai, an undertaking of petitioners" Company came to be nationalized in the year 1995 and vested in respondent No. 1/National Textile Corporation Ltd. under the provisions of the Textile undertakings (Nationalization) Act, 1995. The provisions of the aforesaid Act were challenged by the petitioner No. 1. The disputes between the parties in this regard were amicably settled in terms of a settlement recorded before the Hon"ble Supreme Court on 27.02.2009 in SLP (Civil) No. 18726/20006 (Hall & Anderson Ltd. v. Registrar, Board for Industrial & Financial Reconstruction & Ors.) and TP (Civil) No. 71/2007 (Hall & Anderson Ltd. vs. Union of India & Ors.). The terms of the settlement reads as under:-

1. The concerned registering authority is directed to register the Deed of Conveyance in terms hereof upon the petitioner making payment of requisite stamp on the amount of consideration mentioned herein.
2. In the event the respondents No. 2 and 3 intending to sell and/or otherwise dealing with their 65% of land, then and in that event the petitioner shall have first right of refusal subject to the petitioner being ready and willing to match the terms on which the said land is proposed to be sold and/or dealt with by the said respondents.
3. If necessary, the petitioner, in order to cause the documents of title relating to Mumbai Property being made over to respondents, the petitioner shall discharge

the liability of the Central Bank of India by making payment to M/s. Astral Developers, their assignees, in respect of Mumbai property only. So far as the mortgage in respect of premises No. 31, Chowringhee Road, Kolkata is concerned, the same may continue to remain with the said M/s. Astral Developers, Mumbai.

4. This settlement has been arrived at in view of the peculiar facts and circumstances of the case with an objective to avoid long protracted litigation and cannot be cited as a precedent in any other similar proceeding.

The case of the petitioner is that respondent No. 1 NTC has entered into a joint venture with several other land owners whose land also came to be vested in it under the above referred Act. The petitioner also made a representation to respondent No. 1 on 08.05.2009, seeking to enter into similar arrangement with respect to the land which was earlier owned by Sh. Madhusudan Mill in Mumbai. The grievance of the petitioner is that the proposal submitted by it has not been considered by the respondent. The only prayer made in this petition is for a direction to the respondent to consider the representations of the petitioner dated 08.05.2009 and 28.02.2013 in terms of the settlement between the parties which was recorded by the Hon"ble Supreme Court in its order dated 27.02.2009.

2. The learned counsel appearing for the respondents states that at present, they have no proposal with the respondents for dealing with the land which was earlier owned by Sh. Madhusudan Mill in Mumbai either by way of sale or in any other manner.

3. This not the case of the petitioner that any proposal for sale of the land in question or otherwise dealing with it is under consideration of respondent no. 1. Since the right to first refusal granted to the petitioner under the settlement recorded on 27.02.2009 would arise only in the event of the respondent seeking to sell or otherwise deal with the aforesaid land, it has no legal right for consideration of the representation made by it to the respondents, seeking to enter into joint venture agreements in respect of the aforesaid land. The writ petition, at this stage, discloses no cause of action.

The writ petition is, accordingly, dismissed.