

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4431 OF 2017

(@ Special Leave Petition No. 29731/2014)

UNION OF INDIA

APPELLANT (S)

VERSUS

OFFICE LIQUIDATOR M/S ROHTAS INDUSTRIES LTD

RESPONDENT (S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The appellant purchased land of the respondent Company which is in liquidation. Dispute is whether the sugar factory was part of the land purchased. In the impugned order it has been held that the sugar factory was not the part in the land purchased.

Learned Additional Solicitor General has relied upon valuation report dated 20.03.2007 and report of the official liquidator dated 12.09.2006 to state that 219 acres of land was the approximate land other than the residential complex and thus, even if, the actual land was found to be more than 219 acres of land, it did itself imply that sugar factory was excluded.

Learned counsel for the official liquidator, however, states that the sale notice does not mention the sugar factory and, therefore, 11.46 acres of land which was the area of the sugar factory stood excluded.

We are of the view that the matter needs to be looked at afresh by the High Court after verifying from the record as to whether the intention in the sale notice was to put the entire factory area to auction or to exclude the sugar factory.

Accordingly, we set aside the impugned order and remit the matter back to the High Court.

The Civil appeal is disposed of in above terms.

Parties are directed to appear before the High Court for further proceedings on 17.04.2017.

.....J.  
(ADARSH KUMAR GOEL)

.....J.  
(UDAY UMESH LALIT)

NEW DELHI  
MARCH 24, 2017

ITEM NO.47

COURT NO.13

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s). 29731/2014

(Arising out of impugned final judgment and order dated 26/11/2013 in CA No. 11/2010 26/11/2013 in CP No. 3/1984 26/11/2013 in IA No. 5466/2007 passed by the High Court Of Patna)

UOI

Petitioner(s)

VERSUS

OFFICE LIQUIDATOR M/S ROHTAS INDUSTRIES LTD

Respondent(s)

Date : 24/03/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. Neeraj Kishan Kaul, ASG  
Mr. Raghavendra Bajaj, Adv.  
Ms. Chanan P., Adv.  
Mr. Shreekant N. Terdal, Adv.  
Mr. A.K. Kaul, Adv.  
Mr. N.K. Karhail, Adv.  
Mr. Kapil Rastogi, Adv.  
Mr. Raj Bahadur, Adv.

For Respondent(s) Mr. Ravindra Kumar, Adv.

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

Leave granted.

Civil Appeal is disposed of in terms of the signed order.

(SONALI SAUND)  
SR.P.A(VEENA KHERA)  
COURT MASTER

(signed order is placed on the file)