

GAHC010019432020



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C) 575/2020

1:HINDUSTAN PAPER CORPORATION LTD. OFFICERS AND SUPERVISORS
ASSOCIATION AND 2 ORS.
HAVING ITS REGISTERED OFFICE AT KAGAJ NAGAR, JAGIROAD, DIST.
MORIGAON, ASSAM, REP. BY ITS GENERAL SECRETARY SRI KRISHNA
KANTA SUTRADHAR

2: HEMANTA KUMAR KAKATI
S/O LT. KESHOB CHANDRA KAKATI
R/O HPC TOWNSHIP
C 18/4
KAGAJ NAGAR
ASSAM
JAGIROAD
DIST. MORIGAON
ASSAM
PIN-782413

3: KRISHNA KANTA SUTRADHAR
S/O AMULYA SUTRADHAR
R/O HPC TOWNSHIP B 9/4 KAGAJ NAGAR
ASSAM
JAGIROAD
DIST. MORIGAON
ASSAM
PIN-78241

VERSUS

1:THE UNION OF INDIA AND 6 ORS.
REP BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF HEAVY
INDUSTRIES ANS PUBLIC ENTERPRISES, GOVT OF INDIA, UDYOG
BHAWAN, NEW DELHI-110011

2:HINDUSTAN PAPER CORPORATION LTD.

REP .BY ITS CHAIRMAN CUM MANAGING DIRECTOR
HAVING ITS CORPORATE HEAD QRTR AT KOLKATA
75-C
PARK STREET
WEST BENGAL AND REGISTERED OFFICE AT NEW DELHI
4 THE FLOOR
SOUTH TOWER
SCOPE MINAR
LAXMI NAGAR DIST CENTRE
NEW DELHI-110092

3:HINDUSTAN PAPER CORPORATION LTD.
EMPLOYEES CONTRIBUTORY PROVIDENT FUND TRUST
REP. BY CHAIRMAN OF BOARD OF TRUSTEES
KOLKATA
75-C
PARK STREET
WEST BENGAL

4:THE REGIONAL PROVIDENT FUND COMMISSIONER EPFO
REGIONAL OFFICE AT PARK STREET
KOLKATA

5:THE EMPLOYEES PROVIDENT FUND
REP. BY THE ADDITIONAL CENTRAL PROVIDENT FUND COMMISSIONER
HAVING ITS OFFICE AT BHAVISHYA NIDHI BHAWAN
G.S. ROAD
BHANGAGARH
GUWAHATI-781005

6:INCOME TAX DEPTT.
REP.BY THE CHIEF COMMISSIONER OF INCOME TAX
NORTH EASTERN REGION
HAVING ITS OFFICE AT AAYKAR BHAWAN
G.S. ROAD
CHRISTAN BASTI
GUWAHATI-781005

7:KULDEEP VERMA
THE OFFICIAL LIQUIDATOR 46
B.B. GANGULY STREET
5TH FLOOR
ROOM NO. 501
KOLKATA-70002

Advocate for the Petitioner : MR. K N CHOUDHURY

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE THE CHIEF JUSTICE (ACTING)
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 09-10-2020

[*N. Kotiswar Singh, CJ (Acting)*]

The Court proceedings have been conducted through Video-Conference.

Heard Mr. K.N. Choudhury, learned Senior counsel for the petitioners; Mr. R.K. Deb Choudhury, learned Standing counsel for Union of India; Mr. V. Sibal, learned counsel for respondent nos. 2 and 7; Mr. P.K. Roy, learned counsel for the respondent nos. 4 and 5 and Mr. S. Sarma, learned Standing counsel, Income Tax Department, for the respondent no. 6.

It appears that there are multiple proceedings pending before multiple fora i.e., NCLT, Delhi Bench, Delhi High Court, Kolkata High Court including this High Court relating to debts owed by the Hindustan Paper Corporation Limited (HPCL) to different entities. We are of the opinion that under such circumstances before we proceed further, the jurisdiction of this Court ought to be properly ascertained so as to avoid any conflicting opinions in that regard.

Accordingly, we direct all the parties, the petitioners and the respondents present today to file respective affidavits to indicate the pendency of any other proceedings before any other forum relating to HPCL and claims made against it, by the next date.

Mr. Choudhury, learned Senior counsel appearing for the petitioners, however, submits that if orders are passed in other fora which may be prejudicial to the interest of the petitioners, the petitioners will suffer injuries and seeks appropriate interim order.

We do not wish to pass any order except to make the observation that the liquidator will take all appropriate steps to ensure and safeguard the interest of the present petitioners before this Court in accordance with law so that in the event we proceed to decide the issues raised in this petition, it may not result in any futile exercise.

List the case accordingly on 11.11.2020.

JUDGE

CHIEF JUSTICE (ACTING)

Comparing Assistant