Item No.101 Court No.2 Section XIIA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 8852/94

Hyderabad Chemical & Pharmaceutical ... Appellant

Vs.

Govt. of A.P. & ors. ... Respondents
(with appla. for stay) (for final disposal)
(with C.A. Nos. 8853, 8854, 9169, 9385-9310/94.00 589/95, W.P. 73/95 with I.A.No. 2 in C.A. No.8853/94)

Date : 16.4.96 This/These matter(s) was/were called on for hearing today.

CORAM :
Hon'ble Mr. Justice Kuldip Singh
Hon'ble Mr. Justice S.Sanghir Ahmed

For the Appellant(s)
in C.A.No.8852/94 : Mr. S.C. Birla, Adv.

in C.A. No. 8853/94 : Mr. K. SwAMI, Adv.

in C.A. No. 8854/94 : Mr. S. Udaya Kumar Sagar, Adv.

in C.A. No. 9169/94 : Mr. Suman KhaitAN, Adv. for M/s. Khaitan & Co., Advs.

in CC 589/95 : Ms. Indu Malhotra, Adv.

in C.A. Nos.9305-9310/94 : Mr. J.K. Das, Adv.

in W.P. (C) No. 73/95 : Mr. Vimal Dave, Adv.

For the Respondents :

in C.A. No. 9169/94: Ms. C. Markandaya , Adv.

in C.A. Nos.9305-9310/94: Mr. G. Prabhakar, Adv.

UPON hearing Counsel the Court made the following

ORDER

C.A. Nos. 8852, 8853, 8854, 9305-9310/94

These civil appeals are disposed of. No orders on I.A.No. 2,

C.A.No.9169/94:

Delinked. List on 23.7.96.

CC 589/95 & W.P.(C) No. 73/95:

CC 589/95 & W.P.(C)No. 73/95 is also disposed of in terms of the above order.

(S.K.Dudani)
Court Master

Signed order is placed on the file.

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Item 101 Court No.2 Section XIIA,
Part-Heard

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 8852 of 1994

Hyderabad Chemical & Pharmaceutical ... Appellant

Vs.

Govt. of AP & Ors.
with CA 8853/94, 8854/94, 9169/94, SLP.....(cc)589/95
CA 9305-9310/94, WP(C) 73/95

Date 13-02-1996 This matter was called on for hearing today.

CORAM

HON'BLE MR. JUSTICE KULDIP SINGH
HON'BLE MR. JUSTICE S. SAGHIR AHMAD

For the appellants : Mr. S.C. Birla, Adv.
: Mr. K.Swami, Adv.
: Mr. Uday Kr. Sagar, adv.
: Mr. Rohina Nath, adv. for M/s. Khaitan & Co.
: Mr.R.F.Nariman, Sr. adv., Ms. Indu Malhotra, adv.
: Mr.B. Rajeshwar Rao, adv. Mr. Vimal Dave, adv.
: Mr. A.K.Sanghi, adv. Mr. Gauri Shankar Sanghi, adv. Mr. Diwakar Chaturvedi, adv.
: Mr. J.K. Das, adv.

For the Respondents : Ms. K.Amreshwari, Sr. Adv. Mr. T.Anil Kumar, adv.
: Mr.S.Markandeya, adv.
: Ms. Chitra Markandeya, adv.

UPON hearing counsel the Court made the following

O R D E R

As a last opportunity we adjourn the hearing of these cases to March 26, 1996. We make it clear that the matter shall be finally heard and disposed of on that date.

(Kanchan Jain)
AR-cum-P.S.

(S.K.Dudani)
Court Master

IN THE SUPREME COURT OF INDIA

CIVIL APPELLANT JURISDICTION

CIVIL APPEAL NOS. 8832 of 1994, 8853. 8854, 9305-9310/94

Hyderabad Chemical & Pharmaceutical ... Appellant

Vs.

Govt. of A.P. & Ors. ... Respondents

O R D E R

Learned counsel for the State of Andhra Pradesh has fairly stated that the impugned judgment of the High Court dated August 18, 1994 passed in Writ Petition No.12235/94 and connected matter shall not be implemented. It is further stated that no action against the industries operating in the industrial area concerned shall be taken under the Azamabad Industrial Area (Termination and Regulation of Leases) Act, 1992 (The Act). We are further told that the State Govt. is proposing an amendment to the act. It is stated that the proposal has already been placed before the cabinet. Learned counsel states that no action regarding cancellation of leases etc. against the industries concerned shall be taken under the act. In this view of the matter these appeals have become infructuous and are disposed of as such.

C.A.No. 9169/94

Learned counsel for the appellant states that the point involved in this appeal is not common with the connected matters. We delink this civil appeal. List on 23rd July, 1996.

New Delhi,
Dated: 16th April, 1996.

(Kuldip Singh)

(S.Saghir Ahmed)

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

Civil Appeal No.8852/94

Hyderabad Chemical & Pharmaceutical ... Appellant

Versus

Govt. of A.P. and Ors. ... Respondents

(with C.A.Nos.8853/94, 9169/94, CC 589/95 and O.A.9305-10/94)
(with appln. for ex-parte) (for final disposal)

Date: 7-2-95 These matters were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE KULDIP SINGH
HON'BLE MR. JUSTICE N.VENKATACHALA

For the Appellants:

in C.A.8852/94	:	Mr.S.C.Birla, Adv.
in C.A.8853/94	:	Mr. Ganguli, Sr.Adv. Mr.K. and Mr.B.Rajeshwar Rao,Advs.
in C.A.8854/94	:	M/s.S Udaya Kr.Sagar, Krishna Mahajan and Advs.
in C.A.9169/94	:	Mr.Gopal Subramaniam, Sr.Adv. M/s. Rahul Ray and Sanjay K.Khaitan,Advs. for M/s.Khaitan and co. andMr.Vivek Gambhir, Adv.
in C.A.9305-10/94	:	Mr.A.K.Sanghi, Sr.Adv. M/s.A.K.Sanghi, Sandeep Mittal, Anil Prabhat and J.K.Das,Advs.
in C.C.589/95	:	Mr.RF Nariman,Sr.Adv. Ms.Indu Malhotra and Ms. Amina Kandia,Adv.
For the respondent	:	Mr. S.Ramachandra Rao,Adv.Genl. M/s.Ravi Chander,Lakshmi and G.Prabhakar, Advs.
		Mr.Sumanth Markendeya, Mr.Ajay Singh and Mr.S.P.Sharma, Advs. for Ms.C.Markendeya, Adv.

UPON hearing counsel the Court made the following

O R D E R

Mr. S.C. Birla started his arguments at 12.30 p.m. and argued upto 2.05 p.m. Thereafter, Mr. A.K.Ganguli, Sr.Adv. argued till 2.35 p.m.

...2.

3.35 p.m. After that Mr Krishna Mahajan argued for 15 minutes, Mr. F.S. Nariman, Sr. Advocate, argued from 3.55 pm to 4.15 pm. Thereafter, Mr. Gopala Subrahmaniam, argued for 10minutes. The matter remained part-heard.

(Meena Sarin)
Court Master

(S.K. Dudani)
Court Master.

Iten No. 101
Court No.2: Dated; 8/2/95
Coram and Appearance: Same as above.

ORDER

Mr.Gopal Subramaniam, Sr. Adv. resumed his arguments at 11.00 a.m. and concluded at 11.20 a.m. Thereafter Mr. G.L.Sanghi argued for 20 minutes. After that, the learned Advocate General started his arguments and argued till 12.25 pm when the Court passed the following Order:-

These appeals are directed against the Division Bench judgment of the High Court dated August 18, 1984 upholding the vires of the Azamabad Industrial Area (Termination and Regulation of Leases) Act, 1992 (The Act). We have heard learned counsel for the parties yesterday and today. As at present, we are in the process of hearing the learned Advocate General. It is not disputed that the appellants and other persons similarly situated were given perpetual leases in the year 1955 and thereafter on various dates right upto 1964 and even subsequently. Most of the leases asre for a period of 99 years. As a consequence of coming into force of the Act, all the leases have been cancelled in terms of Section 3 of the Act. There is ample power with the State Government under Sec.4 and various other Sections of the act to give fresh leases on reasonable terms. Be that as it may, it is not necessary for us to go into the merits of the controversy any further at this stage.

We are of the view that it would be in the interest of justice that instead of taking the drastic action as provided under Section 3 of the Act, the State Government should examine the case of each of the lessees on its own merits. In case the State Government comes to the conclusion that the original lessee is not carrying on any industrial activity either by himself or through a sub-lessee or partnership, then it would be open to the State Government to deal with the lessee in accordance with the provisions of the Act. In respect of those lessees who are doing

bonafides industrial activity on the leasehold plots, the State Government shall consider their cases sympathetically and shall consider making these lease hold rights as freeholds. In any case, these are only tentative suggestions. It would be open to the State Government to deal with this situation in fair and just manner. The learned Advocate General seeks three weeks' time for this purpose. Keeping in view the Government functioning, we adjourn the hearing for 6 weeks. The Government shall submit a status report in this respect within a period of 6 weeks. To come up for hearing on 28/3/1995. Status quo regarding industries shall continue meanwhile.

(Meena Sarin)
Court Master

(S.K. Dudani)
Court Master

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ITEM No.101 P.H. COURT No.2 SECTIONS XIIA & XA

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO. 8852/94

Hyderabad Chemical and Pharmaceutical .. Appellant

Vs.

Govt. of A.P. and Ors. .. Respondents

With C.A.Nos. 8853-54, 9169/94, CC 589/94, CA Nos.9305-10-94 and WP(C) No. 73/95.

Date: 28-3-95 These matters were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE KULDIP SINGH
HON'BLE MR. JUSTICE N.VENKATACHALA

For the appellants

in CA 8852/94 Mr. SC Birla, Adv.

in CA 8853/94 Mr. K.parasaran, Sr.Adv.
M/s. K.Swami and G.Umapathi, Advs.

in CA 8854/94 M/s. S.Udaya Sagar and Krishna Mahajan, Advs.

in CA 9169/94 Mr.Sanjay K.Khaitan, Adv. for M/s. Khaitan and Co.

CC 589/95 Ms. Indu Malhotra, Adv.

CA 9305-10/94 M/s. RK Sanghi and JK Das, Advs.

For Petr. in WP 73 Mr.B.Rajeshwar Rao, Ms.Bharathi and Mr.Vimal Dave, Advs.

For the respondents Mr.S.Ramachandra Rao, Adv.General
M/s.S.Rao and G.Prabhakar, Advs.

M/s.S.Markendeya and Ajay Singh, Advs.

for Ms.C.Markendeya, Adv.

UPON hearing counsel the Court made the following

O R D E R

At the request of learned Advocate General the matters are adjourned to 2nd May, 1995.

(S.K.DUDANI)
COURT MASTER

ITEM NO.102 PH COURT NO.2 SECTION XII A

SUPREME COURT OF INDIA
RECORD OF PROCEEDING

CIVIL APPEAL NO. 8852 OF 1994

Hyderabad Chemical and Pharmaceutical ... Appellant

Vs.

Govt. of A.P. and Ors. ... Respondents
(with appln. for ex-parte stay)
(FOR FINAL DISPOSAL)

With CA Nos. 8853-54, 9169/94, CC 589/99 in CA Nos.9305-10/94 & W.P.(C) No.73/95

Date : 2-5-95 These matters were called on for hearing today.

CORAM

HON'BLE MR.JUSTICE KULDIP SINGH
HON'BLE MR.JUSTICE N.VENKATACHALA

For appl. in CA 8852/94 — Mr. SC Birla, Adv.

For Govt. of A.P. — Mr. N.Subra Reddy, Sr.Adv.
Mr. G.Prabhakar, Adv.

For appl. in CA 8853/94 — Mr.K.Parasaran, Sr.Adv.
Mr. K.Swami, Adv.

For appln. in CA 8854/94 — Mr.Guru Raja Rao, Sr.Adv.
M/s.S.Ganesh, CP Sarathy, and S Udaya Kr. Sagar, Advs.

For appl. in CA 9169/94 — Mr.Guru Raja Rao, Sr.Adv.
M/s. S Ganesh, CP Sarathy, Krishna Kumar and Rahul Roy, Advs.
for M/s. Khaitan and Co.

For appl. in CC 589 — Mr.RF Nariman, Sr.Adv.
M/s.IR Joshi, Indu Malhotra, Aysha Khatri and Anil Makhija, Advs.

For appl. in CA 9305-10/94 — M/s. AK Sanghi, Amit Prabhat and JK Das, Advs.

For Petr. in WP 73/95 — M/s.Mohan Rao, B.Rajeshwar Rao, Vimal Dave and Ms.Bharathi Sharma, Advs.

For the res — M/s.S.Markendeya and Ajay Singh, Advs.

UPON hearing counsel, the Court made the following

O R D E R

Pursuant to this Court's order dated February 7, 1995, The State of Andhra Pradesh has placed on record its status report. After hearing learned counsel for the parties regarding the status report and also regarding proposal which was mooted by the State Government as a result of this Court's above mentioned order and the solution communicated in this status report. There seems to be no consensus between the parties regarding status report. We, therefore, adjourn these cases.

(S.K.DUDANI)

Item No.102 Court No.2 Section-XII-A

SUPREME COURT OF INDIA

RECORD OF PROCEEDINGS

C.A.No.8852/94

HYDERABAD CHEMICAL & PHARMACEUTICAL WORKS LTD. ... Appellant

Versus

THE GOVT. OF ANDHRA PRADESH & ORS. ... Respondents

(WITH C.A.No.8853/94, 8854/94, CA.Nos.9169/94, CC589/95 in C.A.Nos.9305-10/94)

DATE : 29-8-1995 These matters were called on for hearing today.

CORAM:

Hon'ble Mr.Justice KULDIP SINGH
Hon'ble Mr.Justice S.SAGHIR AHMAD

For the Petitioner(s): Mr.S.C.Birla, Adv.

In C.A. 8852/94

In C.A. 8853/94 Mr.K.Parasaran, Adv.
Mr.K.Swami, Adv.

In C.A.8854/94 Mr.Guru Raja Rao, Sr.Adv.
Mr.C.P.Sarathy, SUK Sagar, Advs.

In C.A.9169/94 Mr.Guru Raja Rao, Sr.Adv.
Mr.VK Khaitan, Adv.
Mr.Rahul Roy, Adv.
(For M/s.Khaitan & Co.)

In CC 589. Mr.RF Nariman, Sr.Adv.
M/s.Dr.Joshi, Indu Malhotra, Aysha Khaki & Anil Makhija, Advs.

In C.A.9305/10/94 Mr.A.K.Sanghi, Mr.R.K.Sanghi, Mr.Amit Prabhat & Mr.J.K.Das,Advs.

In W.P.(C) 73/95 Mr.B.Rajeshwar Rao, Ms.Bharathi & Mr.Vimal Dave, Advs.

For Respondent(s) :

(Govt. of A.P.) Mr.P.P.Rao, Sr.Adv.
Mr.N.Subba Reddy, Sr.Adv.
Mr.G.Prabhakar, Adv.

Contd...2.

For the Respondents: Mr.S.Markandeya & Mr.Ajay Singh
Advs.(for Ms.C.Markandeya,Adv)

UPON hearing counsel the Court made the following:

ORDER

In the light of Order dated February 8, 1995 and subsequent order dated May 2, 1995, we adjourn the hearing of these cases for 3 weeks to enable Mr.P.P.Rao, learned Senior Advocate appearing for the State of Andhra Pradesh, to intervene and find out some settlement or solution.

The cases are adjourned to September 19, 1995.

(S.K. dudani)
Court Master

(T.K.Viswanadhan)
Court Master

ITEM No.101 Court No.2 Section XII-A

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.8852 of 1994

HYDERABAD CHEMICAL AND PHARMACEUTICAL .... Appellant

Versus

GOVT. OF ANDHRA PRADESH & ORS. ... Respondents

(with C.A.No.8853/94, 8854/94, C.A.Nos.169/94, CC589/95, C.A.Nos. 9305-10/1994 & W.P.(C) 73/95)

Date: 19-9-1995 These matters were called on for hearing today.

CORAM:

HON'BLE MR.JUSTICE KULDIP SINGH
HON'BLE MR.JUSTICE S.SAGHIR AHMED

For the Petitioner(s) (in C.A.8852/94)	Mr.S.C.Birla, Adv
In C.A.8853/94	Mr.K.Parasaran, adv. Mr.K.Swami, adv.
In C.A.8854/94	Mr.Guru Raja Rao,Sr.Adv. Mr.C.P.Sarathy, S.K.Sagar,advs.
In C.A.9169/94	Mr.Guru Raja Rao, Sr.Adv. Ms.Gouri Rasgotra, adv. Ms.Rohina Nath, adv (For M/s Khaitan & Co.)
In C.A.9305-10/94	M/s.A.K.Sanghi, Gauri Shankar Sanghi, Diwakar Chathurvedi, advs.
In CC 589	Mr.RF Nariman, Sr.Adv. Mr.Anil Makhija, M/s.DR.JOSHI, Indu Malhotra, Aysha Khaki, advs.
In WP(C) 73/95	Mr.A.Dushyant Dave, adv. Mr.B.Rajeshwar Rao, Adv. Mr.V.Dave, Adv.
For the State of A.P.	Mr.P.P.Rao, Sr.Adv. Mr.N.S.Reddy, Sr.Adv. Mr.G.Prabhakar, Adv.
For the Respondents	Mr.S.Markandeya, Mr.Ajay Singh, Ms.C.Markandeya, Advs.

Contd...

Mr.P.P.Rao, learned counsel for the State of Andhra Pradesh has placed on record letter dated September 12, 1995 from the Principal Secretary to Government Industries and Commerce Department, Andhra Pradesh Secretariat, Hyderabad. It is stated in the letter that Azamabad Industrial Area (Termination of Regulation of lease) Act, 1992 is being suitably amended on the lines as indicated in the said letter. The learned counsel for the parties pray that the matter be adjourned till the amended provisions come into force.

List the matter on second working Tuesday in February, 1996.

(S.K. Dudani)
Court Master

(TK Viswanadhan)
Court Master