

NAGAMMAI COTTON MILLS ETC.

v.

ASSTT. DIRECTOR, REGIONAL OFFICE OF THE TEXTILES
COMMISSIONER, MINISTRY OF TEXTILES ETC.

MARCH 25, 1996

[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Essential Commodities Act, 1955 :

Textile (Control) Order, 1986/Textile (Development and Regulation) Order 1993—Notification dated 29.5.1993—Manufacturers of hank yarn—Obligation on to produce the yarn—Held, when the past liability was sought to be wiped out for the period from April 1, 1993 to March 31, 1995, the same principle per force would apply to the previous period from April 1, 1990 to September 30, 1992.

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 6774 of 1996.

From the Judgment and order dated 23.12.94 of the Madras High Court in W.P. No. 17988 of 1994.

C.S. Vaidyanathan, K.V. Viswanathan, K. V. Venkataraman, Sri Vijayanarayan for the Appellants.

A.K. Srivastava and B.K. Prasad for the Respondents.

The following Order of the Court was delivered :

Delay condoned.

Leave granted.

We have heard learned counsel on both sides.

When the matter had come up in the first instance before another Bench in S.L.P. (C) No. 6611/95, pursuant to the concession made by the learned Additional Solicitor General, by order dated September 25, 1995 this Court passed the order as under :

In view of the statement made by learned Additional Solicitor General that if the current obligation pursuant to the Notification dated March 20, 1995 is carried out by the petitioner, the respondents will not hold them liable for any past liability, the petitioner does not intend to press the SLP which is accordingly disposed of as withdrawn. The learned counsel for the petitioner has submitted that the petitioner has not raised any objection to its prospective liability under the said Notification dated March 20, 1995".

Subsequently, the appellants claimed the same relief. In view of the liability which sought to be avoided by the appellants, the Union of India had filed a Review Petition before the Bench which came to be dismissed by order dated March 13, 1996. Since the same question is involved in these cases, the same order should equally follow. The learned counsel for the Union of India seeks to contend that the concession relates to the period from April 1, 1993 to March 31, 1995. The liability now sought to be wiped out relates in addition to the above it also relates to the period from April 1, 1990 to September 30, 1992. He sought to make that distinction and contends that the matter involves further investigation. We do not find any force in the submission made by the learned counsel. When the past liability was sought to be wiped out for the period from April 1, 1993 to March 31, 1995, the same principle per force would apply to the previous period from April 1, 1990 to September 30, 1992.

Under those circumstances, all the appeals are allowed and the orders are quashed as prayed for. However, the order of this Court does not preclude the Government to take such appropriate steps as are open to them under law for any future liability. No costs.

Appeals are allowed.