

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2591 OF 2006

THE KELVIN JUTE CO.LTD.WORS.P.F.& ORS.

Appellant(s)

VERSUS

KRISHNA KUMAR AGARWALA & ORS.

Respondent(s)

WITH

CIVIL APPEAL NO. 2593 OF 2006

J U D G M E N T

KURIAN, J.

1. After having extensively heard Mr. Dushyant Dave and Mr. Jayant Bhushan, learned senior counsel appearing for the appellants and Mr. Sudhir Chandra, Mr. Bhaskar P. Gupta and Mr. Krishnan Venugopal, learned senior counsel appearing for the respondents, we see no ground to interfere with the well reasoned order passed by the learned Single Judge of the Calcutta High Court, as affirmed by the Division Bench of the High Court, since the High Court has mainly proceeded on undisputed facts.

2. Mr. Krishnan Venugopal, learned senior counsel, has submitted that the Kelvin Jute Company Ltd. has since merged into Trend Vyapaar Ltd. in 2001 under a scheme formed by BIFR. We see from the Judgment that the direction for payment of the provident fund dues

is to the Trust as well as to the Company.

3. In the unlikely event of the Trust not able to meet the payment as directed by the High Court, it would be open to the new company referred to above to approach this Court for appropriate directions.

4. Since the matter has been pending before this Court since 2006 and as there was an order of stay of the Judgment of the High Court, we grant further period of three months for payment of the amount as directed by the High Court.

5. In view of the above, the Civil Appeals are dismissed with no order as to costs.

.....J.

[KURIAN JOSEPH]

.....J.

[ROHINTON FALI NARIMAN]

New Delhi;
January 21, 2016.