

GANESH FLOUR COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) RULES, 1984

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GANESH FLOUR COMPANY LIMITED (ACQUISITION AND TRANSFER OF UNDERTAKINGS) RULES, 1984

STATEMENT OF OBJECTS AND REASONS The Ganesh Flour Mills Company Limited is a public limited company incorporated in 1891. The Company was not being managed in a manner befitting its size and position. This led to gross mismanagement and grave financial irregularities in its working. As a result, the Ganesh Flour Mills Company Limited remained closed. The management of the Ganesh Flour Mills Company Limited was, therefore, taken over on the 3rd November, 1972, under Section 18-AA of the Industries (Development and Regulation) Act, 1951. 2. Certain units of the aforesaid Company, namely,- (i) The Delhi Vanaspati Factory, Delhi ; (ii) The Hindustan Breakfast Food Manufacturing Factory, New Delhi, including the Ganesh Electrical Factory, New Delhi, which is interlinked with it by reason of its location, common services and infrastructure; (iii) The Kanpur Vanaspati Factory, Kanpur ; and (iv) The Solvent Extraction Plant, Bombay. (hereinafter referred to as the Ganesh Flour Mills) being managed by the Central Government under Section 18-AA of the Industries (Development and Regulation) Act, 1951, have been refining crude rapeseed oil imported from abroad for supply to the public distribution system all over the country. It has also been producing wholesome vanaspati for sale at reasonable prices in the open market. The Ganesh Flour Mills has, thus, been playing an important role in the supply of commodities essential to the needs of the common man. It is intended further to extend the role of the Ganesh Flour Mills by means of expansion of its production capacity and diversification of its production function as a part of the nucleus of the

instrumentalities under the public sector so as to provide Government a commanding role in the regulation of the edible oil economy. Certain schemes for this purpose are under preparation.

3. The Ganesh Flour Mills Company Limited had a negative networth at the time of its take-over in November, 1972, and on its own it was not in a position to raise the necessary funds and provide the managerial inputs to bring it back to running condition. Under the management of the Government, financial loan was provided by the Industrial Reconstruction Corporation of India. Besides this, considerable managerial and technical inputs have been provided to bring the Ganesh Flour Mills to its current healthy situation. In order to enable it to play the role envisaged for it under Government's policy for regulating the edible oil economy, it is necessary to make further investments for modernisation of its machinery and diversification of its activities. It was felt that further investments for such purposes should be preceded by some arrangement which ensures continuity of management of the Ganesh Flour Mills under the Central Government. The Ganesh Flour Mills Company Limited (Acquisition and Transfer of Undertakings) Ordinance, 1984 was accordingly promulgated on the 28th January, 1984.

4. The Bill seeks to replace the aforesaid Ordinance. The 17th February, 1984. BHAGWATJHAAZAD New Delhi; [Gazette of India, dated 28.2.1984, Pt. II Section 2, Extraordinary, Page 13 (No. 5)].

1. Short title and commencement :-

(1) These rules may be called the Ganesh Flour Company Limited (Acquisition and Transfer of Undertakings), Rules, 1984.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires,-

(a) 'Act" means the Ganesh Flour Mills Company Limited (Acquisition and Transfer of Undertakings) Act, 1984 (16 of 1984):

(b) words and expressions used herein and not defined but defined in the Act shall have the meanings, respectively, assigned to them in the Act.

3. Time-limit for intimation :-

Every mortgagee of any vested property and every person holding

any charge or lien or other interest in or in relation to vested property shall give an intimation of such mortgage, charge, lien or other interest, to the Commissioner within thirty days from the date of publication of these rules in the Official Gazette:

Provided that if the Commissioner is satisfied that such mortgagee or the person holding any charge, lien or other interest was prevented by sufficient cause from giving the above intimation within the said period of thirty days he may receive the intimation within a further period of thirty days and not thereafter.

4. Manner of intimation :-

(1) Every intimation to be given to the Commissioner under rule 3 shall be in writing addressed to the Commissioner and shall contain the following particulars, namely,-

(a) name, description and full address of the mortgagee, charge, lien or other interest holder :

(b) name of the undertaking in respect of which the claim is made:

(c) amount of claim (in Indian currency) ;

(d) particulars of the interest, if any, by which mortgage, charge, lien or other interest is secured, supported by an attested copy of the investment :

(e) amount, if any, already received, with particulars ;

(f) any other particulars relevant to the claim: and

(g) relief claimed.

(2) The intimation shall be in duplicate and shall be duly signed and verified by the mortgagee or the person on holding a charge, lien or other interest in or in relation to any vested property, as the case may be, or by his duly authorised agent.

(3) If any deed or document creating a charge, lien or other interest in or in relation to vested property, is in a language other than English or Hindi a transcript thereof in English or Hindi duly certified to be true translation shall also be furnished.

(4) The intimation referred to in rule 3 together with supporting documents may be filed in the office of the Commissioner at Block 12-A, Jamnagar House Hutments, Akbar Road, New Delhi 110011 on any working day or may be sent to the Commissioner by

registered post with acknowledgment due.

(5) For the purpose of counting thirty days in case of an intimation sent by post the date on which the same is delivered in the office of the Commissioner shall be treated as its date of receipt by the Commissioner and not the date on which it is registered in the post office.

5. Administration of funds etc :-

The funds standing to the credit of provident fund, superannuation fund, gratuity fund, welfare or other funds, established by the Ganesh Flour Mills Company Limited in relation to the undertakings for the benefit of such person or persons employed or formally employed by the Ganesh Flour Mills Company Limited in connection with the undertakings transferred to the Government company under sub-section (1) of Section 13 shall be credited by the Government company in the accounts of the respective funds. The money thus credited shall be utilised by the Government company strictly in accordance with the provisions of the rules and regulations applicable and law governing the respective fund and shall not be utilised for any other purposes.

COMMENTS The moneys relatable to the officers and other employees, whose services have been transferred to the Central Government or the Government Company shall, out of the moneys standing, on the appointed day, to the credit of such provident fund, superannuation fund, welfare fund or other fund, stand transferred to and vest on the Central Government or the Government Company, as the case may be. [F.No. 18/11/84-EOP]
B.D. GOPALA, Dy. Secy.