

**ASIAN REFRACTORIES LIMITED (ACQUISITION OF
UNDERTAKING) ACT, 1971**

65 of 1971

[23rd December, 1971]

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STATEMENT OF OBJECTS AND REASONS An Ordinance, namely, the Asian Refractories Limited (Acquisition of Undertaking) Ordinance, 1971, was promulgated by the President on the 17th October, 1971 .to provide for the compulsory acquisition of the undertaking of the Asian Refractories Limited. The total productions of refractories in India being inadequate and insufficient to meet the essential requirements of the iron and steel industry, acquisition of the undertaking of the Asian Refractories Limited was made by the said Ordinance, with a view to augmenting the supplies of refractories and speedily bring the undertaking of the Asian Refractories Limited, which has been closed, since June, 1968 into operation and for expanding its capacity thereafter. The Bill seeks to replace the said Ordinance. -S OR - Gaz. of Ind., 6-12-1971, ft. II, S. 2, Ext., P. 924.

1. Short title and commencement. :-

(1) This Act may be called The Asian Refractories Limited (Acquisition of Undertaking) Act, 1971.

(2) It shall be deemed to have come into force on the 17th day of October, 1971.

2. Definitions. :-

In this Act, unless the context otherwise requires,-

(a) "appointed day" means the 17th day of October,,1971;

3. Undertaking of company to vest in the Central Government. :-

On and from the appointed day, the undertaking of the company shall, by virtue of this Act, be transferred to, and shall vest in, the Central Government, free from all incumbrances.

4. General effect of vesting. :-

(1) The undertaking of the company shall be deemed to include all assets, rights, powers, authorities and privileges and all property, movable and immovable, cash balances, reserve funds, investments and all other rights and interests in, or arising out of, such property as were immediately before the appointed day in the ownership, possession, power or control of the company, whether within or outside India, and all books of accounts, registers and all other documents of whatever nature relating thereto.

(3) If, on the appointed day, suit, appeal or other proceeding of whatever nature in relation to any business of the undertaking of the company, is pending by or against the company, the same shall not abate, be discontinued or be, in any way, prejudicially affected by reason of the transfer of the undertaking of the company or of anything contained in this Act hut the suit, appeal or other proceeding may be continued, prosecuted and enforced by or against the company.

5. Duty to deliver possession of the undertaking and documents relating thereto. :-

(1) Notwithstanding any decree, judgment or order of any court or anything contained in any other law for the time being in force, the Official Liquidator of the company or any other person, in whose possession or custody or under whose control the undertaking of

the company or any part thereof may be, shall deliver possession of the undertaking of the company or such part thereof, as the case may be, to the Central Government forthwith.

6. Duty to furnish particulars. :-

The company shall, within such period as the Central Government may allow in this behalf furnish to that Government a complete inventory of all the properties and assets of the company, as on the appointed day, pertaining to the undertaking which has vested, in the Central Government under section 3 .

7. Payment of compensation. :-

8. Management and administration of the undertaking. :-

The undertaking, which has vested in the Central Government under section 3 , shall be managed on behalf of the Central Government by such person or body of persons as may be nominated by the Central Government in this behalf, and such person or body of persons shall carry on the management in accordance with such regulations as may be made by the Central Government.

9. Penalties. :-

(2) No court shall take cognizance of an offence punishable under this section except with the previous sanction of the Central Government or of an officer authorised by that Government in this behalf.

10. Protection of action taken in good faith. :-

No suit, prosecution or other legal proceeding shall lie, against the Central Government or an officer or other employee serving in connection with the affairs of the undertaking of the company which is in good faith done or intended to be done under this Act.

11. Repeal and Savings. :-

(1) The Asian Refractories Limited (Acquisition of Undertaking) Ordinance, 1971, is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance so repealed shall be deemed to have been done or taken under the corresponding provisions of this Act,