

**DALMIA DADRI CEMENT LIMITED (ACQUISITION AND  
TRANSFER OF UNDERTAKINGS) (INTIMATION REGARDING  
MORTGAGE, CHARGE, LIEN OR OTHER INTEREST IN ANY  
PROPERTY) RULES, 1983**

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STATEMENT OF OBJECTS AND REASONS The unsatisfactory state of functioning of Messrs. Dairnia Dadri Cement Limited one of the cement factories in the country, located at Charkhi Dadri (Haryana) with a licensed capacity of 2.39 lakh tonnes of cement per annum has been engaging the attention of the Central Government. Due to financial difficulties resulting from mismanagement, the company had closed down production in 1975. As a result of the efforts made towards the rehabilitation of the company by the State Government, Central Government and financial institutions, the company restarted its production in December, 1975. The performance of the company had however, not been satisfactory and an investigation under the provisions of the Industries (Development and Regulation) Act was carried out. The Investigation Committee had commented adversely on the functioning of this cement factory. Due to acute financial crisis, the management of this company had closed down the factory on 18th March, 1980 and the factory has been lying closed since then. 2. The factory has been located in a deficit area and its closure has aggravated the shortage of cement in this area. The factory had employed a total of about 1600 persons at the time of its closure in March, 1980 and the Management had terminated the services of these employees without giving them any retrenchment benefits. The State Government of Haryana has been continuously urging

the Government of India to take over this factory in view of the fact that a large number of employees will be thrown out of employment, if the factory is permanently closed down. The State Government of Haryana has indicated that owing to financial constraints and lack of technical expertise, the State Government is not in a position to take over this cement factory for restarting and running it. 3. The viability of the factory on its restart has been assessed and in the interest of restarting production of cement and also to provide employment to the workers, the Central Government had decided that it would be in the public interest to acquire the cement factory of this company and to transfer it to the Cement Corporation of India which is a public sector undertaking engaged in the manufacture and sale of cement. 4. The Bill seeks to give effect to the above object.

### **1. Short title and commencement :-**

(1) These rules may be called the Dalmia Dadri Cement Limited (Acquisition and Transfer of Undertakings) (Intimation regarding Mortgage. Charge. Lien or other interest in any property) Rules, 1983.

(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 Dalmia Dadri Cement Limited (Acquisition and Transfer of Undertakings) Act, 1981 (31 of 1981) ;

(b) all other words and expressions used in these rules and not defined but defined in the Act, shall have the meanings respectively assigned to them in that Act.

### **3. Time-limit for intimation :-**

Every mortgagee of any property which has vested under the Act in the Central Government or in a Government Company, as the case may be, and every person holding any charge, lien or other interest in or in relation to, any such property shall give intimation of such mortgage, charge, lien or other interest to the Commissioner within a period of thirty days from such date, as may be specified by the Central Government under Section 17 :

Provided that if the Commissioner is satisfied that the mortgagee or

the person holding any charge, lien or other interest was prevented by sufficient cause from giving the intimation within the said period of thirty days, he may, after recording reasons in writing receive the intimation within a further period of thirty days and not thereafter.

COMMENTS Every person having a claim against the Company shall prefer such claim before the Commissioner within thirty days from the specified date.

**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 addresses of the mortgagee or the person holding charge, lien or other interest in, or in relation to any such property ;

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

(c) amount due under the mortgage, charge, lien or other interest (in Indian currency) :

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

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

(f) any other particulars relevant to the claim :

(g) relief claimed.

(2) Every intimation shall be duly signed and verified by the mortgagee, or the person holding the charge, lien or other interest or by a person duly authorised by him.

(3) Intimation may be filed in the Office of the Commissioner at 10, Darya Ganj, New Delhi-110002 on all working days during office hours or may be sent to the Office of the Commissioner by registered post with acknowledgment due.

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