

(c) whether any legal proceedings against the Birla Group of Companies have been taken;

(d) whether some of these firms have been black-listed on the ground of these irregularities and malpractices; and

(e) if the reply to parts (c) and (d) above be in the negative, the reasons therefor?

The Minister of Industrial Development and Company Affairs (Shri F. A. Ahmed): (a) Government have taken note of the observations made by Dr. Hazari in his Report regarding the number of licences approved for Birla Group of companies.

(b) No specific instances of irregularities or malpractices committed by the Birla Group in securing industrial licences have come to the notice of the Government.

(c) to (e). Do not arise.

Theft of Railway property at Jamalpur Station

574. Shri S. M. Banerjee:
Shri Madhu Limaye:
Dr. Ram Manohar Lohia:
Shri George Fernandes:

Will the Minister of Railways be pleased to refer to the reply given to Unstarred Question No. 3468 on the 28th August, 1966 and state:

(a) whether the police investigation into the theft of railway property, viz., scrap, copper plates and scrap benches at Jamalpur has since been completed; and

(b) if so, the action taken in the matter?

The Minister of Railways (Shri C. M. Fozacha): (a) and (b). The Government Railway Police, Jamalpur after completing their investigation have submitted charge sheets against contractor and six others under sections 409/406/379/411/34/109/119 I.P.C.

and section 3 of Railway Stores (Unlawful Possession) Act, 1955. Three railway employees found involved in this connection have been placed under suspension. The case is still under trial.

Ashoka Marketing Limited

575. Shri S. M. Banerjee:
Shri Madhu Limaye:
Dr. Ram Manohar Lohia:
Shri George Fernandes:

Will the Minister of Industrial Development and Company Affairs be pleased to refer to the reply given to Unstarred Question No. 780 on the 7th April, 1967 and state:

(a) whether the arbitrator has since decided the question of allowing the Ashoka Marketing Limited, the loss of \$ 733,758 on their transaction with American buyers;

(b) the stage reached in the investigation of the Company's Affairs under sections, 237(b) and 249(1) (a) of the Companies Act and the Writ Petition and appeals in the Calcutta High Court; and

(c) whether there has been any delay in the disposal of the arbitration/Writ/appeals in respect of this Company?

The Minister of Industrial Development and Company Affairs (Shri F. A. Ahmed): (a) No, Sir. The Government understand that in January last, the company referred the matter to the arbitration of the Indian Chamber of Commerce, Calcutta. The company filed with the arbitrators its statement of the case after the Chamber agreed to act as arbitrators. The arbitrators have sent a copy of the statement to the parties in the United States to enable the latter to file their reply. It is learnt that the matter will be set down for hearing as soon as the parties in the States send in their reply.

(b) Investigation was ordered under both the sections 237(b) and 249 of the Companies Act, 1956. On a writ petition filed by the company, the High Court, Calcutta, upheld the order passed under section 237(b) but allowed the writ in so far as it related to the order under section 249 of the Companies Act. The company preferred an appeal against this order. The Company Law Board have filed cross objections in this regard. The case is still pending before the Appellate Bench of the Calcutta High Court.

(c) The Government can hardly be expected to express any opinion in the matter.

M/s. Bird & Co.

**576. Shri Madhu Limaye:
Dr. Ram Manohar Lohia:
Shri S. M. Banerjee:
Shri George Fernandes:**

Will the Minister of Industrial Development and Company Affairs be pleased to refer to the reply given to Unstarred Question No. 315 on the 3rd November, 1966 and state:

(a) whether the infringement of the provisions of the Companies Act by M/s. Becker Grey, the exporting company of M/s. Bird & Co. has since been assessed by the Department of Company Affairs on the basis of the books seized under the Customs Act and other material available;

(b) if so, the result of this assessment; and

(c) the action taken by Government in the matter?

The Minister of Industrial Development and Company Affairs (Shri F. A. Ahmed): (a) to (c). The Company Affairs Department was awaiting the result of the appeal before the Central Board of Excise & Customs. The appeal order was received on 29th March, 1967. The books of accounts of the company will have to be scrutinised in order to ascertain the infringement, if any, of the provisions

of the Companies Act. Necessary instructions have been issued to pursue the matter vigorously. The question of taking action will have to await the finding arrived at on the basis of the examination of accounts and other documents.

Gammon India Limited

**577. Shri Madhu Limaye:
Shri S. M. Banerjee:
Shri George Fernandes:**

Will the Minister of Industrial Development and Company Affairs be pleased to state:

(a) whether the investigation into the Gammon India Limited, Bombay affairs (arising out of the certain concealed foreign holdings commented upon in the balance sheet) has since been completed; and

(b) if so, the action taken against the Company for the violation of the foreign exchange and other laws in force?

The Minister of Industrial Development and Company Affairs (Shri F. A. Ahmed): (a) As stated by the Minister in the Ministry of Law in answer to Unstarred Question No. 1333 on the 15th November 1966 in the Lok Sabha, the company appointed a firm of Chartered Accountants in London to check up its investment account in London. In October 1966 the London firm submitted its report to the company. The statutory auditors of the Indian company have drawn the attention of the shareholders to the findings of the London firm in their report on the accounts of the aforesaid company for the year ended 31st March 1966. The auditors pointed out that the examination of the matter by the London firm covered the period from 1st April 1965 to 31st March 1966 and that the rights and bonus shares and dividends thereon substantially cover all such rights and bonus shares and dividends thereon, which remained unaccounted