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SENSEX 16,453.76 ▼ 244.31

NIFTY 4,943.25 ▼ 72.20

DOLLAR ₹48.97 ▶

EURO ₹65.89 ▼ ₹0.75

GOLD ₹25,995 ▲ ₹310

OIL \$103.16 ▼ \$2.40

SHARE SUIT

Chatterjee's Haldia claim dismissed

Judgement may not have bearing on plans by The Chatterjee Group to buy out WBIDC stake in Haldia Petro

BY ROMITA DATTA
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KOLKATA

Capping a six-year-old dispute between US-based venture capitalist Purnendu Chatterjee and the West Bengal government over management and control of Haldia Petrochemicals Ltd (HPL)—a firm they jointly founded in 1994—the Supreme Court on Friday issued a judgement dismissing Chatterjee's claim to 155 million shares that were to be sold to him by the West Bengal Industrial Development Corporation (WBIDC).

The judgement, however, may not have any bearing on plans by The Chatterjee Group (TCG) to buy out WBIDC in HPL because the Trinamool Congress-led state government has lately taken a decision to sell its stake in the firm. It is appointing an investment bank to conduct a valuation of the firm. However, the timing of the state government's decision to cash out is surprising because HPL has been making losses for years.

TCG would have seized control of HPL had Chatterjee managed to buy the 155 million shares from WBIDC as was envisaged in a March 2002 agreement between the co-founders of the firm. Several failed agreements later, WBIDC said in July 2005 that it wouldn't sell its stake to TCG, alleging that Chatterjee couldn't fulfil his obligations under a composite agreement on the sale of the state government's stake and infusion of fresh equity in HPL. Thereafter, HPL sold 150 million shares to Indian Oil Corp. Ltd (IOC) in a controversial deal that Chatterjee vehemently opposed. He had legally challenged the share sale to IOC as well.

TCG moved the Company Law Board (CLB), alleging mismanagement and oppression of minority shareholders under sections 397 and 398 of the Companies Act. The see-saw legal battle reached the apex court after TCG's rejoinders were quashed by the Calcutta high court. Nine months after hearings ended, the apex court

said in its judgement issued on Friday that there wasn't enough ground for filing a petition under section 397 of the Companies Act.

The decision is a vindication of the erstwhile Left Front government's stand on HPL, according to a key WBIDC official, who did not want to be identified. "Amid mutual mistrust, the state government stood by its commitment to sell its stake in HPL to Chatterjee, but insisted that he made payment for all shares at one go," he said.

But as the relationship between HPL's co-founders soured, the state government lined up a back-to-back deal with one of India's biggest petrochemical firms and made a "daring offer" to buy out Chatterjee's stake in HPL while the dispute was being heard by CLB, he added. "The rights of TCG as a shareholder have in no way been compromised by the Supreme Court's order," said Aniruddha Lahiri, president of TCG. "What is of significance at this point is that the state government and TCG are working towards mutually resolving the differences, and HPL's interest will be best served by the promoters resolving their differences quickly."

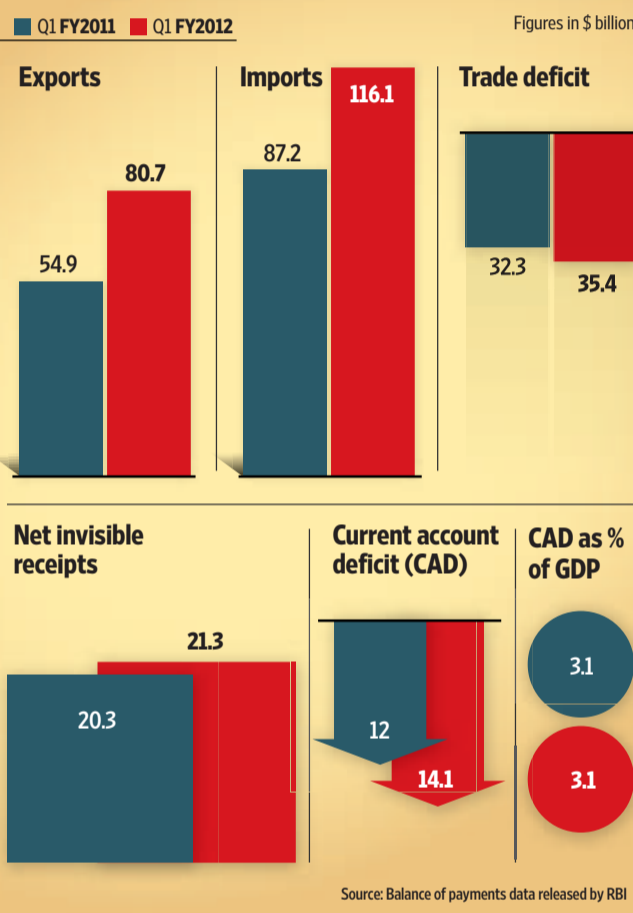
The apex court's order wouldn't lead to a rift between HPL's co-founders, according to Partha Chatterjee, the state's commerce and industries minister. "The state government has decided to sell its stake in HPL in view of its current financial health," he said. "But before we sell our stake, we will conduct a valuation of the firm. We will closely scrutinize HPL's financial results in the last few years."

Asked if WBIDC would sell its stake in HPL at one go or retain some shares in the firm for being sold at a higher price after it had turned around, the minister said no decision had yet been taken.

The Trinamool Congress, which in May ended 34 years of the Left rule in West Bengal, has given TCG a free hand in running HPL, and has appointed Purnendu Chatterjee chairman. TCG now wants its management control to be expanded to majority ownership because, according to Purnendu Chatterjee, HPL is planning to expand its operations and banks want "clarity on the firm's ownership" before com-

THE GAP WIDENS

India's current account deficit widened to \$14.1 billion from \$12 billion in the year ago as the gap between imports and exports increased in the quarter ended June, the Reserve Bank of India (RBI) said on Friday. It remained almost unchanged as a percentage of gross domestic product (GDP) at 3.1%. The government wants to pull back the deficit to around 2.5% of GDP for the full year from 2.6% in the last fiscal. Economists, however, are sceptical as they expect the robust growth in exports to moderate in the second half of the fiscal as the US and European demand slows on account of global uncertainty.



AHMED RAZA KHAN/MINT

Kingfisher is at the mercy of financial institutions

mint INTERVIEW

BY P.R. SANJAI
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MUMBAI

Neeraj Monga, executive vice-president and head of research at Toronto-based Veritas Investment Research Corp., wrote in September that Vijay Mallya's United Breweries Holdings Ltd (UBHL) and Kingfisher Airlines Ltd are "teetering on the verge of bankruptcy".

Kingfisher Airlines executives rubbish the report, dismissing Veritas as a firm that nobody's heard of.

That's not quite true. Monga, reputed overseas for attacking companies following investor-unfriendly practices, achieved a certain renown in his country of origin after scathing commentary on Reliance Industries Ltd and Reliance Communications Ltd. Before that, he'd given similar treatment to Research In Motion Ltd and Nortel Networks Corp., among others.

Monga, 40, an MBA from the Richard Ivey School of Busi-

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QUICK EDIT

The ₹32 rage

It is unrealistic to expect any person to subsist on ₹32 per day in these times. That, however, was not the question the apex court asked of the Planning Commission. The commission's remit was much narrower and its now infamous affidavit on the poverty issue reflected this.

The issue at hand is that moral outrage and policymaking should not be clubbed together. Two prominent National Advisory Council members, Aruna Roy and Harsh Mander, have lashed out at Planning Commission deputy chairman Montek Singh Ahluwalia on this subject.

The government is, in any case, committed to helping the poor and politically there are no barriers to this goal. But misplaced rage at what are merely technical exercises is clearly out of place. Such estimates are not the last word in what needs to be done, but are important ingredients in the policymaking exercise.

FELINE FRACAS

The importance of being Charlotte

BY ANANDA BANERJEE
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SHIMLA

It's a muggy day for September in Shimla and somewhere in the woods ahead of Vidya Athreya and Sandeep Rattan is a leopard, its presence confirmed by the double-pulse beep signal on the handheld tracking device.

And not just any leopard (or leopardess, to be precise). This is Charlotte, an adult leopardess who was radio-collared and released last September. Her behaviour, it was thought at the time, would provide valuable information on human-animal conflict. Never before has a leopard, an animal that is increasingly being found in urban and suburban areas, been studied from this perspective in Himachal Pradesh.

Athreya, a conservation biologist, has been studying leopards in Maharashtra—a state where human-leopard conflicts are becoming increasingly common—and Rattan is a veterinary surgeon based in Shimla. They are looking for Charlotte's radio collar in a leech-infested neck of the woods outside Shimla. The collar, according to its makers, the Norwegian Institute for Nature Research (NINA), should have fallen off in 52 weeks. Once re-



Tracking behaviour: A file photo of Charlotte, an adult leopardess, being radio-collared by Vidya Athreya (left) and Sandeep Rattan in Shimla.

covered, it will be sent to NINA, where it will be decoded for detailed temperature and activity data. It is already clear from the tracking data that Charlotte has survived, coexisting with humans in a 25 sq. km area, across the local administrative blocks (or panchayats) of Dummi, Chedi and Bhont.

Charlotte's story is an important one—not just for her, but for all leopards. Between January and September, as many as 269 leopard deaths have been reported across the country, mainly as a result of the rising human-animal con-

flict, according to the Wildlife Protection Society of India.

Leopards are found all over India, on the fringes of villages and human habitations, preying off domestic livestock and dogs. This isn't a new phenomenon. The leopard is "often found on the outskirts of villages, carrying away village dogs and prefers scrubby jungles to dense forests", says a note in the Nashik Gazetteer dated 1883.

Athreya says that in Maharashtra, leopards and people share "croplands".

"Once I asked a farmer wa-

tering his crop, if he had seen a leopard nearby. I knew a collared male was sitting somewhere amid the sugar cane field not more than 20 metres away. The farmer nonchalantly replied someone had seen one around a few days ago. We went ahead without telling him, or the women plucking tomatoes in the adjoining field, of the presence of the spotted cat," she says.

Had they known about it, they may have wanted it captured, or worse, taken matters into their own hands and killed it. An increasing number of human-leopard conflicts (which usually end badly for the feline) have been reported from across India, especially in Orissa, Chhattisgarh, Uttarakhand, Maharashtra, Madhya Pradesh, north Bengal and Assam. On 23 March, a trapped leopard was burnt alive by an angry mob of 400 villagers in Dhamdhar village in Uttarakhand. On 19 July, television channels repeatedly aired footage of a cornered leopard pouncing on a forest guard on the outskirts of a village near Siliguri in West Bengal as efforts were made to drive the animal back into the forest. In the first week of September, CCTV footage showed a leopard

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The importance of being Charlotte

▶ FROM PAGE 1

ard close to Girishikhar Co-operative Housing Society, barely 500m from the Sanjay Gandhi National Park in Mumbai. Yet, Athreya says, there is little data on leopard attacks. "We know little about conflict and why wild cats sometimes attack people," she adds.

Most city dwellers presume leopards are only to be found in national parks and sanctuaries, but wild animals cannot understand borders.

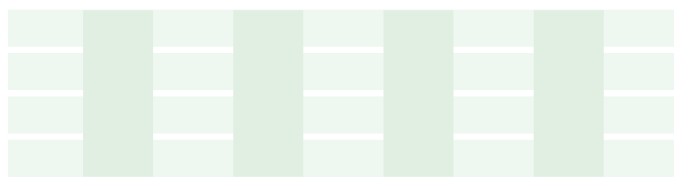
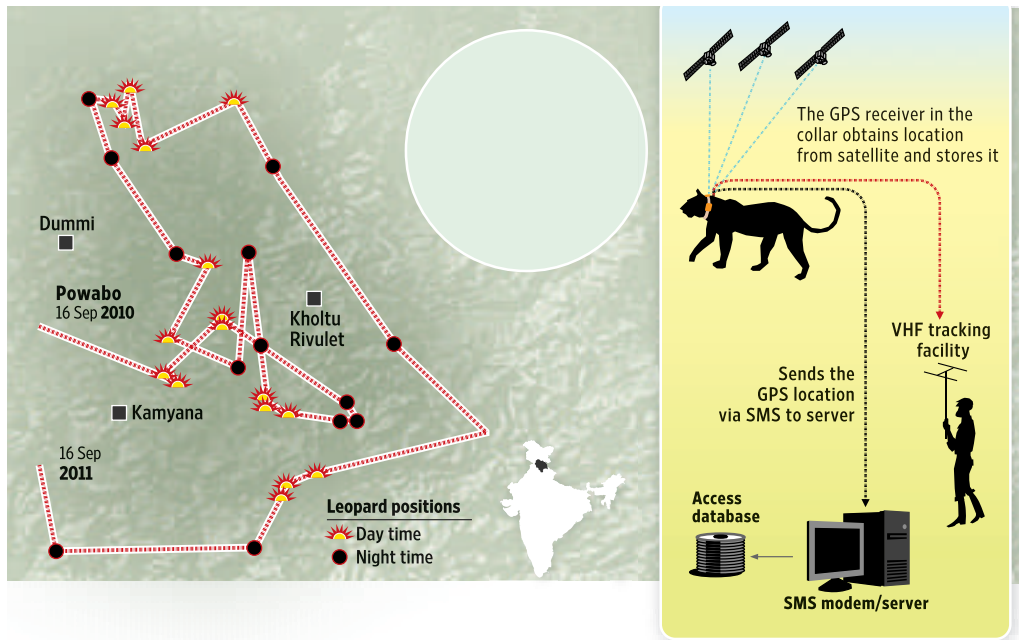
"In my study area, I have around five adult leopards and five adult hyaenas in 100 sq. km. Even with 10 large carnivores in 100 sq. km, human attacks are extremely rare. No deaths yet, just a couple of accidental attacks. In fact, in my area, each year more people are bitten by rabid dogs," says Athreya.

Leopards have always been around people. In scrubland and woodlands, man and animal use the same paths, especially at night. And goats and pet dogs have always constituted part of the diet of leopards. "I would suggest that the presence of leopards near human habitation cannot be ruled out even during the day," says Rattan. "This is only possible because of the stealthy nature of these elusive animals synergized by exclusive camouflaging abilities."

Yet, he adds, there have been no deaths in and around Shimla from leopard attacks.

One reason for that could be human behaviour.

At Powabo, a hamlet where Charlotte was captured last year (the radio collar was then fitted on her, and she was re-



leased) after she went searching for a dog inside a house, most of the older generation appear comfortable with the idea of a leopard around their village. The young are different. Leopards and hyaenas, they believe, belong in zoos and national parks. There is talk of trap cages.

At a recent conference, Herbert Raffaele of the US Fish and Wildlife Service, noted that India has been able to conserve

most of its big fauna only because of a rich socio-cultural value system that emphasizes tolerance towards all species.

Large tracts of rural India are home to a substantial population of leopards, hyaenas, jackals, wolves, jungle cats, rusty-spotted cats and foxes, all living off domestic animals and rodents. In central and western India, forest dwellers worship a large cat deity known as Waghoba. The value

system itself, however, is under attack from urban values and sensitivities. By 2050, 55% of India's population will be living in urban areas, amounting to 900 million people, further squeezing the space for free-ranging carnivores.

The popular solution, when it comes to leopards, is relocation, but that doesn't work. Recent research on leopards in human-dominated landscapes shows that capture-and-trans-

location is an ineffective way of dealing with free-ranging large carnivores. Leopards exhibit amazing homing instincts and many animals will traverse through densely populated landscapes to reach home. As a result, translocation often results in merely shifting the conflict to unaffected areas. Worse, the space vacated by a translocated animal is likely to be soon taken up by another wild leopard.

"One leopard, named Ajoba, around five years old, walked 120km from the Malshej Ghats to Mumbai, crossing a railway line and the Mumbai-Agra highway and taking 25 days to make this long journey. He also went into the populated area because of his GPS (global positioning system) collar—but no attacks were reported," says Athreya.

Leopards pose a unique challenge: contemporary science tells us that carnivores do not consider humans food, but this does not mean the animals are welcome in villages, leave alone towns and cities.

Experts say the ideal solution is to maintain a respectful distance, keeping out of the animal's way. Most attacks, they say, occur in self-defence and panic when the animal is cornered. Leopards are as scared of humans as humans are of them, so the first thing a leopard does when it realizes that people are around is to hide and flee. The best way to deal with a chance encounter with a leopard is to allow the animal a little space and time. Experts also advocate that people traversing woodland and scrubland paths at night sing or talk, even if only to themselves. "Stray dogs are an open invitation to the leopard. Dogs, goats and other domestic stock must be driven into secure en-

closures well before nightfall. Ideally, enclosures must be some distance from homes, as leopards will venture close and will stop visiting only when they realize no food is available," says Athreya.

A forest official in Himachal takes heart from Charlotte's story.

"The results of tracking over the last year show how leopards can live in proximity to humans without conflict. We would like to continue over such studies across other parts of Himachal Pradesh and educate the local people that they can live with leopards in a kind of symbiotic relationship," says Ashwani Gulaati, principal chief conservator of forests and chief wildlife warden of Himachal Pradesh.

Eventually, Charlotte's collar doesn't fall. Forget the collar, they haven't even seen Charlotte, but they know from the tracking device that she is alive (the beep changes when the animal dies) and that the collar is still on her (the beep changes once the collar falls off, too). Athreya and Rattan give up their concerted search and decide that the latter will conduct a weekly one instead.