

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO.613 OF 2014
IN
COMPANY PETITION NO.394 OF 2003**

Solapur Zilla Majdoor Sangh	...	Applicant
and		
M/s. Gargi Industries	...	Petitioner
versus		
Official Liquidator of M/s. Chetan		
Foundaries Ltd. (In Liqn.)	...	Respondent

Ms. Anjali Helekar, for Applicant.
Mr. S. Ramakantha, Official Liquidator, present.

**CORAM: S.J. KATHAWALLA, J.
DATE: 5th MARCH, 2015**

PC.

1. The above Company Application is filed by Solapur Zilla Majdoor Sangh for the following reliefs :

- (a) that this Hon'ble Court may be pleased to direct the Liquidator to deduct an amount equal to 5% of the final amount to be paid to each claimant for the Court expenses of Applicant Union and hand over the said amount of 5% to the Applicant Union;
- (b) Alternatively, this Hon'ble Court maybe pleased to direct the Liquidator to deduct an amount equal to 5% of the final amount to be paid to each claimant who has given consent for deduction of such amount in favour of Applicant Union by filing Affidavit for the Court expenses of Applicant Union and

hand over the said amount of 5% to the Applicant Union;

2. As set out in my order dated 30-06-2014 passed in the Company Application No.188 of 2014, the job of the Official Liquidator is to adjudicate the claims of the workers and to pay to them the adjudicated amount/s in its entirety. If the Union desires to collect any fees from the workers, the Union should on their own recover the money from their workers and cannot expect the Office of the Official Liquidator to do so. The Union has stated that most of the workers have issued authority letters to the Official Liquidator to pay 10% of the dues to the Union. However, the Union has restricted its claim to only 5% of the dues to be received from the workmen. The said authority letters are not submitted to the Official Liquidator by the workers and are submitted by the Union. The signatures on the Application have not been witnessed/identified by any Advocate. The Office of the Official Liquidator is already over burdened and cannot be further burdened with the job of verifying the genuineness of the signatures of the workers to deduct the amount aggregating to 5% from their dues and to also collect indemnity letters in the matter. In view thereof, the above Company Application is dismissed.

(S.J.KATHAWALLA, J.)