

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**COMPANY APPLICATION NO. 96 OF 2015
IN
COMPANY PETITION NO.777 OF 1997**

Bhagwat Maruti Desai & Ors.
Party)

.. Applicants (Third

In the matter between :

Shri Rajendra Bachubhai Shah
Vs.

.. Petitioner

The Official Liquidator of
M/s. Rajesh Dying and Bleaching
Works Ltd.
(in liquidation)

.. Respondent

Mr.Rahul Nerurkar with Ms.Soniya Parab i/b Hemant Ghadigaonkar for
applicant.

**CORAM : K.R.SHRIRAM, J.
DATED : 9TH DECEMBER, 2015**

P.C.

1 This application is filed for the following reliefs :

(a) *That the Hon'ble Court be please to issue a direction to the Official Liquidator to make the payment towards Provident Fund Contribution towards the workers Provident Fund Account from the date of lockout till its realisation of the amount, i.e., for the period of fourteen months.*

(b) *That the Hon'ble Court be please to issue a direction to the Official Liquidator to make the payment towards Medical Allowances and also towards balance Bonus from the date of the closure till today from the account of the said company.*

(c) *That the Hon'ble Court be please to issue a direction to*

the Official Liquidator to make the payment towards 6% interest from 01.10.2011 to till date which is illegally hold by official liquidator.

(d) That the Hon'ble Court be please to issue a direction to the Official Liquidator to make the payment towards the balance amount lying in the said company may be distributed amongst the workers/applicants.

(e)

2 The applicants had filed a complaint before the Industrial Court at Mumbai. The Industrial Court by its order dated 5.04.2008 had directed that the complainant employees and respondent nos.11 to 16 in the complaint before the Industrial Court are entitled to arrears of wages and other legal dues from December 1997 till the winding up of the concerned company. The amount also to be paid alongwith interest at the rate of 6% per annum till 1.1.1998 till the actual payment.

3 The winding up order was passed on 9.02.1999. The workmen admittedly have been paid of their wages and dues. As regards the interest component, payment of workmen was sanctioned by the order dated 9.05.2013 by this Court and hence workmen were entitled for payment of 6% interest with effect from 1.1.1998 till 9.05.2013. The counsel for the applicants states that the applicants have been paid interest upto 30.09.2011 and it is for that reason, the official liquidator has, in paragraph 6 of their

reply, mentioned interest payable with effect from 1.10.2011 to 9.05.2013. The official liquidator has asked for orders permitting them to make payment of this interest component. The official liquidator to make this payment within eight weeks from today.

4 As regards prayer for payment of provident fund contribution, the official liquidator has stated in the reply that the provident fund authorities have not filed any claim with the official liquidator till today. Since it is the claim of the workmen, the provident fund authorities are directed to lodge their claim with the official liquidator within six weeks from today.

5 As regards prayer clause (b), it cannot be considered inasmuch as the counsel for the applicant stated that they have never made this claim even before the Industrial Court and naturally the Industrial Court has not had a chance to consider the same.

6 As regards prayer clause (d), certainly that cannot be granted since any surplus amount lying with the official liquidator will certainly go to the contributory of the company.

7 The company application accordingly disposed.

(K.R. SHRIRAM, J.)