

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.4343 OF 2005
WITH
C.A.NO.10561 OF 2007
IN
W.P.NO.4343 OF 2005
WITH
C.A.NO.8066 OF 2008
IN
W.P.NO.4343 OF 2005
WITH
C.A.NO.1675 OF 2010
IN
W.P.NO.4343 OF 2005
WITH
C.A.NO.6014 OF 2012
IN
W.P.NO.4343 OF 2005

**Bhagwan S/o Yeshwantrao Telang Vs. The State Maharashtra
and others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.R.K.Ashtekar, advocate for the petitioner.
Mr.V.S.Badakh, A.G.P. for the State.
Mr.R.N.Dhorde, advocate for applicant in
C.A.No.8066/08(Intervener)

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**
Date : 01.10.2016.

PER COURT :

1. Heard.
2. According to the learned counsel for the petitioner, the

petitioner was the erstwhile worker of Respondent No.4 sugar factory. The said sugar factory was sold in auction. The amount is received, however, the petitioner is not paid dues of the salary. The petitioner is a pensioner. According to the learned counsel, the petitioner has approached the Collector, who is appointed as Liquidator of Respondent No.4, however, the Liquidator has not taken any steps in that regard. Mr.Badakh, learned A.G.P. states that in the year 2009, the petitioner has been paid Rs.1,77,463/- (Rupees one lac seventy seven thousand four hundred sixty three only) from the amount which was released from the joint account of the Bank and the Liquidator. It is not that the Liquidator is not taking any steps.

3. Mr.Dhorde, learned counsel submits that the Liquidator got the said amount released. Thereafter, has further demanded the remaining amount. The Bank has filed Review before this Court.

4. We have considered the submissions.

5. Subsequent to filing of the Writ Petition, it appears that the Respondent No.4 sugar factory has been sold and an amount of Rs.15.88 crores is received. The sale proceeds are deposited in the joint account of the Liquidator and the Bank. It is stated that the Maharashtra State Cooperative Bank is a secured creditor.

6. Naturally, it is for the Liquidator to settle the dues of the Company considering the priority claims. It is for the Liquidator to

take up such exercise. It is not disputed that in the year 2009 some amount has been paid to the petitioner. Even earlier 50% dues were paid to the petitioner.

7. The petitioner may approach the Liquidator. The Liquidator shall consider the priority claims and take steps accordingly and so also consider the claim of the petitioner with regard to the payment of arrears as may be permissible. In considering the priority claims, the Liquidator shall consider the stand of the workers, so also of the secured creditors.

8. The Writ Petition is disposed of. No costs.

9. The Civil Applications also stand disposed of.

(K . L . WADANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.01.10.2016.
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