

Arul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION NO. 225 OF 2015
IN
COMPANY PETITION NO. 498 OF 1993**

SICOM Limited	...Applicant
<i>Versus</i>	
Official Liquidator of Trimurthy Malleable Pvt. Ltd. (in Liquidation)	...Respondent

Mr. Vishal Kanade, i/b Mr. Satish Raut, for the Applicant.
Ms. Yogini Chauhan, Dy. Official Liquidator, is present.

CORAM: G.S. PATEL, J.
DATED: 17th March 2016

PC:-

1. This Company Application seeks a recall of my order dated 17th January 2014 in Official Liquidator's Report No. 454 of 2013. That order required the Applicant, SICOM, to deposit certain amount claimed as workers dues from the sale proceeds of certain assets that SICOM had sold and which consideration it had received.

2. Mr. Kanade points out that SICOM has in fact brought that amount back. This is stated on Affidavit and Ms. Chauhan who is present in Court does not dispute this.

3. There are several workmen who have submitted their claims to the Official Liquidator. Some of these claims have been adjudicated. Mr. Kanade submits that if these amounts are paid out on the claims as presented, his client would be considerably prejudiced. He says that he is in a position to demonstrate that the adjudication favouring the workmen is without sound basis. There are cases, he submits, where there are no appointment letters or other material evidencing engagement in employment with the Company in liquidation.

4. It is not at present possible to accept Mr. Kanade's submissions for the simple reason that the workmen are not before me today.

5. Prayer (a) of the present Company Application only seeks a recall of the order dated 17th January 2014 and restoration of Official Liquidator's Report No. 454 of 2013 in which it was passed. I do not think that an order in these terms is necessary or warranted. The directions that follow that will serve to preserve the *status quo* are sufficient. I have broadly indicated these to Mr. Kanade and he says that they are acceptable.

6. Hence, the following directions:

- (a) The Official Liquidator will, for the present and till further orders of the Court, not make any disbursement out of the amounts repaid or repatriated by SICOM to the workmen whose claims may have been adjudicated by the Official Liquidator;

- (b) The Official Liquidator will prepare a separate report with details of the claims that it has adjudicated. A copy of this report will be served on both Mr. Kanade's Attorneys as also Mr. Ganguly who has previously appeared for the workmen. That report will then be placed before the Court for directions.
- (c) Let the report be placed before the Court on or before 11th April 2016.
- (d) It goes without saying that all the contentions of both the SICOM and the workmen are specifically kept open.

(G. S. PATEL, J.)