

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CONTEMPT PETITION NO.1 OF 2014
IN
COMPANY PETITION NO.270 OF 2001
WITH
COMPANY APPLICATION NO.1019 OF 2002

Kamgar Sena Based at SET Telecoms Ltd. ... Petitioner
Versus
Official Liquidator & Ors. ... Respondents

COMPANY APPLICATION NO.930 OF 2015
IN
COMPANY PETITION NO.270 OF 2001

State Bank of India ... Applicant
Versus
The Official Liquidator ... Respondent

Mr. G.R. Dwivedi, *for the Petitioner.*
Mr. Rakesh Reddy, *along with Ms. Yogini Chauhan, Dy. Official Liquidator for OL.*
Mr. Rohit Gupta, *with Ms. Megha Neel, Ms. Ritika Das, i/b Manilal Kher Ambalal & Co. for Contemnor No.4.*
Mr. Vivek S. Sawant, *for applicant in CA No.930 of 2015.*
Ms. Jaymala Raut, *for Respondent No.2.*

CORAM: G.S. PATEL, J
DATED: 8th June 2016

PC:-

1. There is before me a Contempt Petition filed by the Workmen's Union as also an Official Liquidator's Report No.353 of 2015/VIII. It appears that the liquidator has adjudicated the claims of 29 workmen. There is available in the hands of Official Liquidator today a very small amount of about Rs.29,116/-. This amount is not the subject matter of any other proceedings either in the Company Court or in Appeal. Exhibit A to the Liquidator's Report shows the *pro rata* distribution of this amount between the 29 workmen. Mr. Reddy, the learned Counsel for the Liquidator, agrees on instructions that these amounts, though they are meagre, should be distributed and the dividend declared paid out at the earliest.

2. In the meantime, there is a controversy between ARCIL and the State Bank of India ("SBI"). ARCIL is the assignee of debts owed by the company in liquidation to SBI, and SBI has requested that its claim for return of the amounts be adjudicated by the Official Liquidator. This is as yet pending. Once that adjudication is complete, the Official Liquidator will place a fresh report. If it is found, as a result of that adjudication, that there are additional amounts that are available free and clear for distribution as dividend to the workmen, that order will be made on the fresh Official Liquidator's report.

3. In the meantime, the present Official Liquidator's Report is disposed of in terms of prayer clauses (a), (b) and (c).

4. In view of this order and in view of the previous orders, I do not think that any purpose is served in keeping Contempt Petition itself pending. The Contempt Petition is directed against the Official Liquidator and is based on an order of 24th January 2014. Much has transpired since. There have been several orders of the Company Court and also in Appeal. Today's directions should be sufficient to take care of the concerns of the workmen and the Workmens' Union.

5. The Contempt Petition is disposed of with no orders as to costs.

6. The adjudication of the SBI's claim will be completed by the Official Liquidator on or before 27th June 2016. A fresh report is to be placed before a Court on 4th July 2016.

(G. S. PATEL, J.)