

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

**COMPANY APPLICATION NO. 1024 OF 2015
IN
COMPANY PETITION NO. 1176 OF 2001**

Sanjeev Poojary

....Applicant

In the matter between

M/s.Indian Link Chain Mfg.Ltd.

...Petitioner

V/S

The Official Liquidator and Liquidator of
M/s Novinon Ltd.

....Respondent

Mr Leo Ronald Castelino for the Applicant.

Mr Mahendhar Aithe, Company Prosecutor from the office of
Official Liquidator present

CORAM : S.C. GUPTE, J.

22 NOVEMBER 2016

P.C. :

This application seeks an order for rectification of a purported error occurring in the order of admission of proof in respect of claims by members of the Applicant union (workmen of the company) as preferential claims under Section 530 of the Companies Act, 1956.

2 It is the case of the Applicant that these claims ought to be considered as workmen's dues within the meaning of Section 529A of the Companies Act, 1956. The adjudication report itself is not annexed to the petition. However, the report annexed as Exhibit-A to the additional affidavit filed by the Applicant in support of the company application

indicates that it is a one line order adjudicating the claims as preferential claims under Section 530 of the Companies Act, 1956. There are no reasons indicated why these claims are treated as preferential claims under Section 530 and not workmen's dues within the meaning of Section 529A read with Section 529 of the Companies Act, 1956. The Official Liquidator is directed to reapply his mind and pass a reasoned order of adjudication in the case of employees/members of the Mumbai Labour Union working with the company (in liquidation).

3 The application is disposed of.

(S.C. Gupte, J.)