

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY APPLICATION (LODG.) NO. 253 OF 2017
IN
COMPANY PETITION NO. 888 OF 2003**

IAEC India Ltd. Shramjeevan Kamgar Sansthan
(Internal) Union .. Applicant

In the matter between :

BIFR	.. Petitioner
Vs.	
Industrial Agriculture Engg.Co. India Ltd. (In Liqn.)	.. Respondent
And	
Official Liquidator & Ors.	.. Respondents

Mr.Prakash Mahadik for applicant.

Mr.O.A. Das for respondent no.4.

Mr.Mahendhar Aithe, company prosecutor for official liquidator present.

**CORAM : K.R.SHRIRAM, J.
DATE : 24TH JULY 2018**

P.C.

1 Applicant is a Union known as IAEC India Ltd. Shramjeevan Kamgar Sansthan (Internal) Union (hereinafter referred to as 'Union'). Applicant-Union was formed on 10th April 1995. About 217 workers including staff from Mumbai and Ahmednagar of the company (in liquidation) were its members.

2 The Union is seeking an order and direction to direct the official

liquidator/Court Receiver/DRT Receiver to allow the Union and its representatives to take full inspection of company's land, plant and machinery, viz., factory premises at Bhandup, Thane, Ahmednagar and Banglore and to appoint one Prakash Baldota as Valuer.

3 The company came to be wound up by an order dated 21st June 2007. It is settled law under Section 445 of the Companies Act, 1956 that on making a winding up order, such order shall be deemed to discharge to the officers and employees of the company, except when the business of the company is continued. The business of the company is not continued. Therefore, all the employees of the company (in liquidation) including workers and staff have been discharged. When the employees and the staff have been discharged, the question of a Union does not arise. Therefore, applicant as a Union has no locus to maintain this application.

4 Application dismissed.

No order as to costs.

**Shraddha
Kamlesh
Talekar**

(K.R. SHRIRAM, J.)

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by Shraddha
Kamlesh Talekar
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