

HON'BLE SRI JUSTICE S.V.BHATT

Company Application No.1896 OF 2015

In

Company Petition No.57 OF 1999

ORDER:

N.Surendra Chary, a retired employee of Srsilk Limited (company in liquidation) is the applicant. The applicant prays for direction to Official Liquidator to allot the house-site or left over vacant quarters and execute a sale deed in favour of applicant.

The Court ordered notice to Official Liquidator. The Official Liquidator filed reports dated 23.03.2016 and 15.03.2018. The applicant died during the pendency of Company Application No.1896 of 2015. His wife and daughters are brought on record vide Company Application No.1 of 2016.

Heard Mr. T.C.Krishnan for applicants and Mr.Anil Kumar for Official Liquidator.

1st applicant was working as an employee. The company allotted quarter No.TRT/200/50 to 1st applicant and he remained in possession till 1998. On account of rivalry with a superior in the company in liquidation, the superior officer broke open the quarter in possession of 1st applicant and handed over possession to another worker. Thus by force, it is alleged, 1st applicant lost possession. The 1st applicant presented his claims for adjudication before Official Liquidator and the Official Liquidator admitted a sum of Rs.1,77,027-95ps as payable to 1st applicant. The Official Liquidator paid a sum of Rs.93,890/- and the balance payable by company in liquidation to 1st applicant is Rs.83,380/-. The 1st

applicant further states that he was unaware of allotment of quarters to employees of Srsilk by this Court and hence, he could not make the application within the time, however, by referring to documents in possession the 1st applicant on 04.04.2012 represented to Official Liquidator to allot quarter No. TRT/ 200/50 to 1st applicant or any other quarter in the colony. The Official Liquidator vide reply dated 29.01.2013 rejected claim for allotment of quarter No. TRT/200/50 on the ground that the said quarter was allotted to one T.Rajaiah as per the order of this Court dated 26.03.2009 in Company Application No.140 of 2007 and batch. Therefore, request for allotment could not be considered.

Now the grievance of applicants is that if the representation of 1st applicant could not be considered for allotment of quarter No. TRT/200/50, the Official Liquidator ought to have considered allotment of any other quarter in the same area or range. It is further stated that the amount payable to 1st applicant is not paid and by adjusting the amount payable to 1st applicant a quarter or a suitable house plot can be allotted by Official Liquidator.

The Official Liquidator through report dated 23.03.2016, has reiterated the stand taken in the letter dated 29.01.2013. This Court directed the Official Liquidator to file additional report on the details of left over quarters, if any, available to consider the case of applicants for alternative allotment. The details of available quarters are placed through report dated 15.03.2018 and it is stated that quarter Nos. TRT 133/B and TRT 336/B are vacant and the alternative prayer of applicants can be considered. Mr. Anil Kumar

submits that in the case on hand, the details given by 1st applicant on employment, allotment of quarter, consideration of claim of 1st applicant etc. are not in dispute, therefore, the case of applicants for alternative accommodation can be considered by this Court. The statement is placed on record and accepted. Hence, the application is ordered as follows:

The Official Liquidator is directed to communicate to counsel appearing for applicants 2 to 5 and also to applicants 2 to 5 by registered post with acknowledgement due on the availability of quarter Nos. TRT 133/B and TRT 336/B and the value for allotment of one of the quarters. The Official Liquidator calls upon them to select one of the quarters within four weeks from the date of receipt of his letter. The Official Liquidator on receipt of the reply from applicants considers allotting and adjusting the amount payable to 1st applicant as was done in the case of ex-employees/workers of company in liquidation. The exercise as directed by this Court shall be completed within two months from the date of reply from applicants.

The Application is ordered as indicated above.

S.V. BHATT, J

Date: 15.03.2018
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