

Comp.A.Nos.582, 583, 585, 587, 588 and 595 of 2018
in
C.P.No.3 of 2000

M.SUNDAR, J.

This common order will dispose of these six applications.

2. 'Gum India Limited' ('GIL' for brevity) is the company under liquidation in the main Company Petition i.e., C.P.No.3 of 2000.

3. These six applications have been taken out by six different individuals, who were all workmen in GIL, prior to liquidation.

4. It is the case of each of the applicant in these applications that they have certain dues from GIL in their capacity as workmen and such dues are for labour which they have already been put in for GIL.

5. Mr.Sharath Chandran, learned counsel on record for the applicants and Mr.Bavishetty Sridhar, learned Deputy Official Liquidator (Dy. OL) representing the Official Liquidator (OL) attached to this Court, advertng to the affidavit filed in support of the instant application submits that workmen in the instant six applications along with some other workmen, numbering twenty in all, were responsible for identifying a valuable property which was part of assets of the GIL and therefore, they have not only put in their labour before GIL went into liquidation, but they have also contributed to the liquidation proceedings.

6. It may not be necessary to delve further into these aspects of the matter as it unfurls from the submissions made before this Court that the entire matter turns on a narrow compass and there is no dispute or disagreement between the learned counsel for applicant and learned Dy.OL that similar applications taken out by similarly placed workmen qua GIL came up before another learned single Judge, those applications are Comp.A.Nos.625 of 2018 etc., and the same came to be disposed of by the learned single Judge vide an order dated 30.11.2018. Order passed in Comp.A.No.625 of 2018 being order dated 30.11.2018 reads as follows:

The Applicant has approached this Court, contending that he had already submitted Form 66 for necessary adjudication.

2. In reply, the learned Official Liquidator submitted that pursuant to the order dated 20.11.2018 made in Company Application No.1731 of 2007, detailed adjudication was done and dividend was declared to an extent of 24 paise.

3. Since the Applicant has not approached the learned Official Liquidator, the entire amount has been deposited with the Registrar of Companies on 18.11.2010. This has been done as per the provisions of Section 555 of the Companies Act.

4. Hence, this Court is of the view that if any amount pursuant to the adjudication with regard to the Applicant/claimant is lying in the deposit with the Registrar of Companies, it is open to the Applicant to approach the Registrar of Companies to get the same, by producing a copy

of this order.

5.It is made clear that nothing precludes the Applicant from seeking re-adjudication, if required, at a later point of time.

6. This Application is closed with the above observation.'

7. There is no dispute or disagreement that similar orders were passed by the learned Judge in other applications being Comp.A.Nos.626, 628, 629 and 633 of 2018.

8. It is submitted that it would be appropriate to have the instant application also disposed of by way of a similar order. Before I do that, it is necessary to notice that it is learned Dy.OL's say that the reference to deposit made favouring the 'Registrar of Companies ' ('ROC' for brevity) pursuant to Section 555 of the Companies Act, 1956 is in lieu of appropriate Central Government Circulars in this regard as Section 555 itself refers to Central Government.

WEB COPY

9. In other words, instant applications are covered by order dated 30.11.2018 made in C.A.No.625 of 2018 and therefore, all these applications will stand disposed of with the observation that the aforesaid order dated 30.11.2019 made in C.A.No.625 of 2018 (reproduced supra) will govern the instant six applications also.

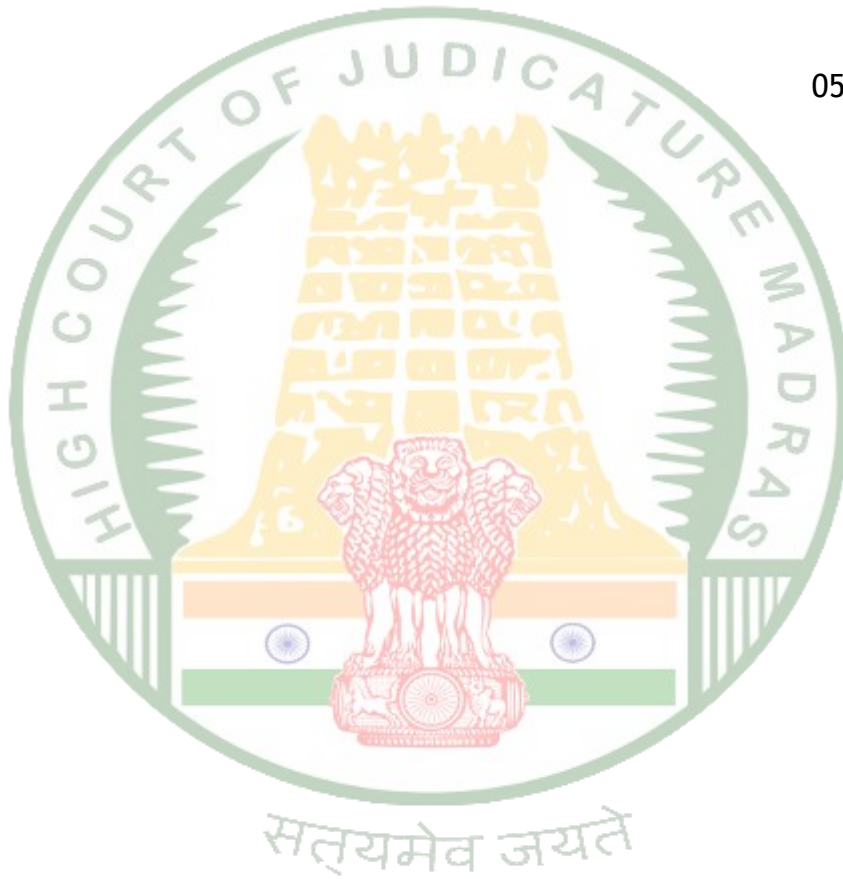
M.SUNDAR.J.,

gpa

All six applications are disposed of as above.

05.04.2019

gpa



WEB COPY

Comp.A.Nos.582, 583, 585, 587, 588 and 595 of 2018 in
C.P.No.3 of 2000