

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

COMPANY APPLICATION (CAO) NO.502/2020 IN
COMPANY APPLICATION NO.10/2019 IN
OFFICIAL LIQUIDATOR REPORT NO.06/2012 IN
COMPANY PETITION NO.07/2001

Shri Munindra s/o Ramdasji Khobragade and others
Vs.

The Official Liquidator of M/s Maharashtra Explosives Ltd. (In Liquidation).

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

Shri Anjan De, Advocate for Official Liquidator.
Shri R.S. Reddy, Official Liquidator in person.
Ms Bhavana M. Kasare, Advocate for applicants.

CORAM : S.M. MODAK, J.
DATE : SEPTEMBER 03, 2021.

The Application is filed by four employees asking for direction to the Official Liquidator to distribute amount. This Court as per the order dated 24/01/2020 directed them to appear before the Official Liquidator along with documents for specifying the liquidation. Accordingly, the Official Liquidator submitted the report on 22/01/2020 informing that they do not fall within the category of workmen and their claim cannot be considered under Section 529-A in the Companies Act, but it will fall under Section 530 in the Companies Act.

2. The claimants have filed additional affidavit along with certain documents. In view of the dispute, claimants as per the Company Application No.10/2019 have prayed for appointment of the Commissioner. My attention is invited to an order dated 12/07/2019 passed by this Court in OLR No.06/2013 and Company Petition No.07/2001. After considering Commissioner's

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report, this Court has directed disbursal to 37 employees.

3. In view of the dispute, the Commissioner needs to be appointed. In view of that following order is passed:

i) Learned Advocate Ms Amruta Gupta is appointed as a Commissioner.

ii) She is directed to record the evidence of the applicants as well as on behalf of the Official Liquidator. Both the sides are at liberty to file documents before her.

iii) Both the sides are directed to appear before her on 27/09/2021.

iv) She is requested to submit the report within three months.

iv) The fees of the Commissioner is fixed at Rs.1500/- per effective sitting and Rs.750/- for ineffective sitting.

v) Official Liquidator is permitted to pay the fees from the funds lying to the credit of the Company in liquidation.

The Civil Application is disposed of accordingly.

JUDGE

R.S. Sahare