

IN THE HIGH COURT OF JUDICATURE AT PATNA
COMPANY APPEAL(DB) No.5 of 2023
In
COMPANY PETITION No.3 of 1984

1. Arvind Kumar Sinha Son of Rajnandan Prasad Sinha, Resident of Quarter No. S/365, Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
2. Madhusudan Kumar Son of Late Lakan Lall, Resident of Quarter No. SC-24, Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
3. Raj Kuamr Singh Son of Late Ram Govind Singh Resident of Quarter No. P-35, Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
4. Om Prakash Srivastave S/o late Vindhya Vasani Prasad Resident of Quarter No. P-35, Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
5. Sunil Kumar Singh Son of Late Shri Ram Singh Resident of Quarter No. S/368, Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
6. Murlidhar Singh Son of Late Ram Govind Singh, Resident of Quarter No. B/06, Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
7. Saraswati Devi Wife of Late Girishdeo Singh Resident of Quarter No. D/02(Old) , Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
8. Lalan Prasad Singh Son of Budhan Singh Resident of Quarter No. S/216, Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
9. Dinnanath Tiwary Son of late Kesho Tiwary Resident of Quarter No. S/175, Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
10. Sikendra Prasad Son of late Banarasi Prasad, Resident of Quarter No. S/177, resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
11. Anil Kumar Srivastava Son of late Kailashpati Lal Srivastava Resident of Quarter No. S/237, resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
12. A.K. Tripathi Son of Subedar Tripathi Resident of Quarter no. S/370, resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
13. Puspa Sinha Wife of Late Akhori Rajeev Ranjan Resident of Quarter no. S/212, resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
14. Anil Kumar Mishra Son of late Vishwanath Mishra Resident of MF-21, resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
15. Moti Lal Prasad Son of late Shyamlal Sah Resident of Quarter No. S/167, Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
16. Mahendra Prasad Son of late Banarasi Prasad Resident of Quarter No. S/210, resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District-



Rohtas.

17. Nagendra Prasad Son of late Ram Prasad Sinha Resident of Quarter No. S/297, resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
18. Murlidhar Prasad Son of late Seravjeet Prasad Resident of Quarter No. S/106, resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
19. Surendra Kumar Son of Shyama Prasad Resident of Quarter no. S0/104., resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
20. Ramadhar Singh Son of late Suchit Singh Resident of Quarter no. S/332 Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
21. Suresh Prasad Son of late Radha Prasad Singh Resident of Quarter no. S/335, Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
22. Rama Shankar Rai alias Rama Shankar Singh Son of Late Navrang Rai, Resident of Quarter No. S/3664, Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
23. Subedar Tripathi Son of late Ram Shubhag Tiwary Resident of Quarter no. S/327, Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
24. Sita Kumari Wife of Laxman Paswan Resident of Quarter No. S/325 Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
25. Binod Kumar Singh Son of Babunand Singh, Resident of Quarter no. S/107Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.
26. Kameshwar Ojha Son of late Sukhdeo Ojha, Resident of Quarter no. S/178Resident of Dalmia Nagar, P.O. and P.S- Dalmia Nagar, District- Rohtas.

... .. Appellant/s

Versus

M/S Rohtas Industries Ltd. (in liquidation) through the Official Liquidator.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ashok Kumar Singh, Advocate Mr. Brajesh Tiwary, Advocate
For the Respondent	:	Mr. Gautam Kejriwal, Advocate Mr. Atal Bihari Pandey, Advocate Mr. Mukund Kumar, Advocate Mr. Akash Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA



ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

2 04-12-2023 The present company appeal is filed against the order dated 10.11.2022 passed in I.A No. 317 of 2022 in C.P. No. 03 of 1984 by learned Company Judge. The appellants were stated to be occupier of quarters of the Respondent-M/s Rohtas Industries Ltd.

2. However, they have not apprised this Court what is the status of each of the appellants to the extent of a relationship like the then employee and employer.

3. On the other hand, learned counsel for the appellants submits that appellants are all legal heirs of deceased employees. In this regard they have not produced any material to show that deceased employees related to a particular appellant.

4. In other words, oral argument was advanced to the extent that all the appellants are related to legal heir of the deceased employees of the respondent industry. In the absence of those materials this Court cannot interfere with the impugned order of the learned Company Judge. In fact, we have come across identical matters in which we have distinguished only ex-employees are entitled to have the benefit of the interim relief. Identical orders were passed by Apex Court in the case of *Ex-*



worker of Rohtas Industries Ltd. (in liquidation) vs. Rohtas Industries Ltd. (in liquidation) reported in *Special Leave to Appeal (c) No(s). 18803/2023.*

5. Therefore, the present appeal stands dismissed.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

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