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C.R.P(PD)No.1659 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2023

CORAM :

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Civil Revision Petition (PD) No.1659 of 2020
and C.M.P.No.10250 of 2020

Management of Karur
KCP Packaging Ltd.,
No.662/2, Marchinayakanpalayam,
Ambarampalayam Post,
Pollachi.
Petitioner

...

Vs.

1.K.Kannimuthu
2.The Management of B.V.V.Paper Industries,
Private Limited,
No.46, Soundararaja Krishnamoorthy Street,
Gandhi Nagar, Udumalpet.
Respondent

...

Civil Revision Petition filed under Article 227 of the Constitution of India praying to strike off the Execution Proceedings in E.P.No.33 of 2019 in I.D.No.48 of 2008 on the file of the Presiding Officer, Labour Court, Coimbatore by allowing this Civil Revision Petition.

For Petitioner : Mr.A.V.Arun



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Assisted by
Mr.M.A.Aruneshe

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For Respondent 1 : Mr.V.Anandhamurthy

For Respondent 2 : Mr.P.Saravana Sowmiyan

ORDER

The present Civil Revision Petition has been filed to strike off the Execution Proceedings in E.P.No.33 of 2019 in I.D.No.48 of 2008 on the file of the Presiding Officer, Labour Court, Coimbatore by allowing this Civil Revision Petition.

2. Learned counsel for the petitioner submitted that as against the order of dismissal dated 30.12.2006, the first respondent has filed a I.D.No.48 of 2008 before the Labour Court, Coimbatore seeking reinstatement and backwages. However, the same was dismissed by the Labour Court with the direction to the petitioner to pay a lumpsum compensation of Rs.2,75,000/- in lieu of reinstatement and backwages, within one month from the date of publication of the award, failing which the said amount shall carry interest at the rate of 6% per annum till the date of payment of the said amount. In order to execute the aforesaid award dated 28.06.2018, the first respondent



has filed a Execution Petition in E.P.No.33 of 2019 on 26.02.2019.

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3. Learned counsel for the petitioner further submitted that the Company Karur K.C.P Management limited is under liquidation before the National Company Law Tribunal, Chennai Branch, which was ceased by National Company Law Tribunal, Single Bench, Chennai vide order dated 24.04.2019 and Ms.Aneetha Subramaniam was appointed as Interim Resolution Professional (IRP) and directed to take charge of the respondent Corporate Debtor's management immediately. She has also directed to cause public announcement as prescribed under section 15 of the I&B Code, 2016 within three days from the date of copy of this order is received and call for submissions of claim in the manner as prescribed.

4. Subsequent to the aforesaid order, the Labour Court ordered the Execution Petition in E.P.No.33 of 2019 in I.D.No.48 of 2008 filed by the first respondent herein on 19.12.2019. Hence, the petitioner has filed this Civil Revision Petition before this Court to strike of the execution proceedings in E.P.No.33 of 2019 in I.D.No.48 of 2008 and when the matter was came up for hearing, this Court has also granted an order of interim stay on

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21.10.2020 and the same is still in force. This being so, the National Company Law Tribunal by its order dated 03.10.2023 has extended the period of liquidation process till 02.05.2024.

5. In view of the above facts that the matter is pending before the National Company Law Tribunal, Single Bench, Chennai, this Court directs the first respondent to approach the National Company Law Tribunal, Chennai by way of filing appropriate application for claiming the award amount in I.D.No.48 of 2008 dated 28.06.2018 on the file of Labour Court, Coimbatore.

6. This Civil Revision Petition is disposed of with the above observation and direction. No costs. Consequently, connected miscellaneous petition is also closed.

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No



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J.SATHYA NARAYANA PRASAD,J.

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