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Comp.A.No.291 of 2022

**Comp.A.No.291 of 2022**

**in**

**C.P.No.375 of 2014**

**C.SARAVANAN, J.**

Heard the learned counsel for the applicant and the learned counsel for the third respondent/State of Gujarat and the learned Deputy Official Liquidator.

2. This application has been filed for release of salary for a sum of Rs.21,00,000/- for the months of March 2017 to June 2017. According to the applicant, he was asked to continue to assist the company under liquidation and the Official Liquidator pursuant to order passed by this Court on 25.10.2016 in C.A.Nos.924 and 926 of 2016. The company was ordered to be wound up by an order dated 29.08.2016 in C.P.No.375 of 2014.

3. The learned Official Liquidator confirms that as on date a sum of Rs.6,38,98,380/- is available from the asset of the company under liquidation.



*Comp.A.No.291 of 2022*

**WEB COPY** 4. The office of the Official Liquidator would submit that unless the applicant assists the Official Liquidator by furnishing the required documents for release of the balance amount from the State of Gujarat, the question of releasing the salaries payable to the applicant cannot be countenanced.

5. I have considered the arguments advanced by the learned counsel for the applicant and the learned counsel for the respondent and the learned Deputy Official Liquidator and the learned counsel for the respondent/State of Gujarat who appears for Company Application No.800 of 2017 is the third respondent in Company Application No.800 of 2017. There cannot be any impediment in releasing the salaries payable to the applicant, in as much as the applicant continued to provide service, pursuant to order of this Court dated 25.10.2016 in C.A.No.924 and 926 of 2016.



*Comp.A.No.291 of 2022*

6. The amount claimed is Rs.21,00,000/-. Considering the fact that the salary are overdue for the period starting from March 2017 ending with June 2017, Court is inclined to partially allow this application by directing the office of the Official Liquidator to release a sum of Rs.20,00,000/- to the applicant immediately. A sum of Rs.1,00,000/- will be retained so as to get any other assistance that may be required from the applicant for processing the payments from the Gujarat Government in respect of the supplies effected and service made by the company under liquidation.

7. The office of the Official Liquidator shall therefore release the aforesaid sum of Rs.20,00,000/- within a period of 15 days from the date of receipt of a copy of this order. The balance sum of Rs.1,00,000/- shall be paid after a period of six months.

8. During the interregnum, the office of the Official Liquidator is directed to liaison with the applicant and get all the particulars that may be required for processing further payments from the State of Gujarat.



*Comp.A.No.291 of 2022*

WEB COPY 9. List this case after four weeks.

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*Comp.A.No.291 of 2022*

**C.SARAVANAN, J.**

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