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Company Application No.309 of 2019  
in Company Application No.22 of 2019  
in Company Petition No.132 of 2008

**KRISHNAN RAMASAMY, J.**

The present Company Application has been filed for impleading the applicant as proposed respondent in Company Application No.22 of 2019 in Company Petition No.132 of 2008.

2. The learned counsel for the applicant submitted that the Company Petition No.132 of 2008 was originally filed by one M/s.Anjaneya Cotton Mills Private Ltd., Rep. by its Director, having its Registered Office at Bangalore, Branch Office at NMS Compound, Erode, for the following reliefs:

(i) To wound up the company viz., M/s.Sheela Rani Textiles Limited, under the provisions of the Companies Act, 1956;

(ii) To appoint an Official Liquidator, Madras High Court as the Liquidator of the company viz., M/s.Sheela Rani Textiles Limited and

(iii) To direct payment of the cost of the petition.

This Court vide its order dated 05.03.2014, wound up the said M/s.Sheela Rani Textiles Limited and appointed an Official Liquidator attached to this Court as the provisional Liquidator to take charge of all the assets and effects of the said company. The learned Official Liquidator filed an Application seeking the permission of this Court to call for claims from the creditors of the company in liquidation and this Court vide its order dated 26.11.2014, allowed the said Application.



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2.1. While so, since settlement arrived between the parties, the original petitioner filed a Company Application No.702 of 2015, for withdrawal of Company Petition No.132 of 2008. This Court vide its order dated 24.10.2016, dismissed the said application and substituted a Trade Union viz., Madurai Rural District Textiles Workers Union, No.3, Thodanary Road, Samayanallur Post, Madurai – 625 402 as petitioner in C.P.No.132 of 2008.

2.2. Further, the learned counsel submitted that since the aforesaid Trade Union did not act on the interest of workers, more than 400 workers withdrew their membership from the said Trade Union and joined in the applicant Union viz., Madurai Mavatta Panchalai – Aadai Matrum Pothu Thozhilalar Sangam, 8/35-A Nedunchezian Street, Puthuvilangudi, Madurai – 18, as a result of which, the communications from the Official Liquidator to the former Trade Union have not been properly communicated to the workers who left the former Trade Union. Under these circumstances, the applicant Union came to know that the Official Liquidator has passed an Adjudication Order, rejecting the claims made by the workers who left the former Trade Union. The said Adjudication Order was not at all communicated to the individual workers either by the former Union or by the Official Liquidator.

2.3. The learned counsel also submitted that pursuant to the aforesaid order dated 26.11.2014, the Official Liquidator has received 520 claims from various creditors, out of which, the Official Liquidator has admitted the claims of



only 433 workmen creditors and he has filed a Company Application No.22 of 2019 seeking the permission of this Court to declare and pay dividend at 8.43% on the admitted amount of claims submitted by those 433 workmen creditors and RBL Bank Limited. Hence, the learned counsel prayed this Court to protect the interest of the workmen those who joined in the applicant Union as well as the workmen creditors whose claims were rejected by the Official Liquidator.

3. Considering the above facts and circumstances of the case and having regard to the submissions made by the learned counsel for the applicant, this Court is inclined to allow this Application. Accordingly, this Company Application is ordered as prayed for.

4. The learned Official Liquidator is directed to carry out necessary amendment in the cause title of Company Application No.22 of 2019, within a period of one week from the date of this order.

02.06.2023

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