



W.P.No.27262 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27262 of 2017

and W.M.P.Nos.29111 of 2017 & 35131 of 2018

Karaikal Port Private Limited,
Represented by its Director,
Mr.GRK Reddy,
Keezhavanjoor Village, T.R.Pattinam,
Karaikal-609 606

.. Petitioner

Vs.

1.The Presiding Officer,
Industrial Tribunal cum Labour Court,
Puducherry.

2.S.Jaganathan

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari or any other appropriate writ, order or direction or calling upon the records of the Award dated 21.09.2017 passed in ID (L) No.21 of 2013 on the file of the first respondent and quash the same.



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For petitioner : Mr.S.Aravindan
M/s.Fox Mandal and Associates

For Respondents : M/s.P.R.Thiruneelakandan

ORDER

This Writ Petition has been filed assailing the impugned Award of the Labour Court in ID (L) No.21 of 2013.

2. When the matter is taken up, learned counsel for the petitioner management would submit that during the pendency of this Writ Petition, the National Company Law Tribunal, Division Bench-I, Chennai had passed an order dated 31.03.2023 wherein it is categorically held as follows:-

“6.Other than as specifically addressed in accordance with the provisions of this Resolution Plan, any and all other claims, rights and entitlements of any person, including any actual and potential creditors of the Corporate Debtor (including but not limited to all Financial Creditors, operational Creditors, other Creditors and Government Authorities and any person who may claim to be a creditor by way of exercise of rights under Applicable laws or equity), whether or not such claims, rights or entitlements (including any demand for any losses or damages, principal, interest, compound interest, penal interest, liquidated damages, and other charges already accrued/accruing or in connection with any third party claims) have been filed before the Resolution Professional or not, whether admitted



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by the Resolution Professional or not, whether or not set out in the Information Memorandum, the virtual data room, the balance sheets of the Corporation Debtor or the profit and loss account statements of the asserted or unasserted, crystalized or uncrystallized, known or unknown, disputed or undisputed, present or future, shall be deemed to be written off and permanently extinguished on the effective date on and with effect from the NCLT Approval date, in the following manner.

(i) for such claims, rights and entitlements (as mentioned above) relating to the period upto the CIRP Commencement Date, the same shall stand extinguished by virtue of the order of the NCLT approving this Resolution Plan and (i) for such claim, rights and entitlements (as mentioned above) relating to the period commencing from the CIRP commencement date till effective date, the same shall stand extinguished and settled in full by virtue of the payment of the CIRP costs and interim period costs as well as by deemed agreement herewith of all claimants and other stakeholders of the Corporate Debtor pursuant to the terms of the Resolution Pan and on account of its binding effect on all such stakeholders. The Corporate Deptor or the Resolution Applicant shall at no point of time, directly or indirectly, have an obligation, liability or duty in relation thereto.

3. In view of above, nothing survives for further adjudication in this Writ Petition. Accordingly, this Writ Petition stands closed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petitions are closed.

08.08.2023

Index : Yes / No
Speaking order / Non-speaking order



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Neutral Citation Case : Yes / No
NHS

M.DHANDAPANI, J.

NHS

To

The Presiding Officer,
Industrial Tribunal cum Labour Court,
Puducherry.

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