



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of decision: September 11, 2023*

+ CO.APP. 23/2023 & CM APPL. 44785-44786/2023

43 BHARAT STEEL TUBE KARAMCHARI UNION Appellant

Through: Mr. Joginder Tuli, Ms. Joshini Tuli,
Ms. Hemlata, Ms. Shruti Aggarwal
and Mr. Rishabh Verma, Advs with
appellants in person

versus

M/S BHARAT STEEL TUBES LTD. Respondent

Through: Mr. M. Dutta and Mr. Aditya Guha,
Advs.
Mr. Rajinder Wali, Mr. Dhurav
Dewan and Mr. Prashant Jain, Advs.
for applicant
Ms. Ruchi Sindhwani and Ms. Megha
Bharara, Advs. for OL

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 44786/2023

Allowed, subject to just exceptions.

Application disposed of.

CO.APP. 23/2023 & CM APPL. 44785/2023

1. The challenge in this appeal is to an order dated July 20, 2023 passed by the Company Court in CO. PET. 55/2000, CO. Appls. 2036/2015,



2854/2015, 403/2017, 952/2018, 1562/2018, 520/2023 and OLR 161/2017, 142/2019.

2. The challenge primarily is with regard to the non-consideration of the objections filed by the petitioner against the report of the OL with regard to the claim made by the petitioners and also against the direction given by the learned Company Court in paragraph 17(v), which reads as under:-

“v) upon being paid their respective claims, the workmen shall vacate the quarters in the factory premises of the Company which stated to be in their possession, if any, within two months from receipt of the amounts from the OL.”

3. Suffice to state, insofar as the submission of non-consideration of the objections is concerned, the learned Company Court has in paragraph 17(iv) has stated as under:-

“iv) any prayer for enhancement by workmen shall be made in accordance with law;”

4. If that be so, no interference / nor any direction is called for.

5. Insofar as paragraph 17(v) is concerned, the submission is that till such time the objections are decided, the direction could not have been given by the learned Company Court.

6. The learned counsel for the Official Liquidator on the other hand would submit that the appellant had not pressed its objections as is clear from the order of the learned Company Court in paragraph 16. She submits in any case, the remedy for the appellant is to file appeal before the learned Company Court against the order / report of the Official Liquidator and the limitation period is of 21 days. That apart, she justifies the directions in the impugned order.



7. Mr. Rajinder Wali who appears for the secured creditor UV Asset Reconstruction Company would submit that the apprehension of the appellant is not justified. If the claim of the appellant Union is enhanced, the secured creditor is under obligation to deposit the money with the Official Liquidator for disbursement of the same to the workmen.

8. Taking the submission made by Mr. Wali, on instructions, on record, no interference to the order of the Company Court is called for. The appeal along with pending application is disposed of.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

SEPTEMBER 11, 2023/ds