

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
OFFICIAL LIQUIDATOR'S REPORT NO.12 OF 2024
IN
COMPANY PETITION NO.166 OF 2002

In the matter of Companies Act,
1 of 1956

and

In the matter of M/s. Modistone
Limited (In Liquidation)

Board of Industrial & Financial Reconstruction ... Petitioner

- - -

Mr. Mutahhar Khan for Official Liquidator.

Mr. Chandan Kumar, Official Liquidator.

Mr. Rajdeep Lahiri i/b. Mr. Pramod M. Tambe for Modistone Kamgar Samiti.

Mr. Anoushak Daver a/w. Mr. Aruj Dhingra for Ms. V. K. Modi, Secured Creditor
in OLR.

Mr. Ashish Kamat, Senior Advocate a/w. Mr. Mohit Khanna i/b. Khaitan &
Khaitan for Applicant in IAL/23239/2022.

CORAM : MANISH PITALE, J.

DATE : FEBRUARY 02, 2024

P.C. :

. By this OLR, the official liquidator is seeking specific directions
in the light of compliances of directions issued by this Court in the order
dated 12.10.2022.

2. By the said order, this Court had issued the following directions:-

“

ORDER

- (i) The Application stands allowed in terms of prayer clause (a).
- (ii) The Official Liquidator shall re-adjudicate the claims of the
workmen in the light of the judgement of the Division Bench
of this Court in the case of Modistone (supra) dated 2nd
March, 2001 and the factors which bear upon such
adjudication, in accordance with law, within a period of 8
weeks from the date of uploading of this order.
- (iii) The Official Liquidator is permitted to appoint

M/s.Bhupendra G. Fafadia and Co. Chartered Accountants, or any other suitable empanelled Chartered Accountant, to assist the Official Liquidator in re-adjudicating the claims of the workmen.

- (iv) The remuneration to be paid to the Chartered Accountant/s shall be part of the liquidation expenses.
- (v) The Application stands disposed.
- (vi) Liberty to the Applicants in IA 887 of 2020 and IAL 4151 of 2020 to circulate the said Interim Applications after the Official Liquidator re-adjudicate the claims of the workmen.”

3. It is brought to the notice of this Court that the directions issued by this Court were carried out and claims of workers were re-adjudicated. The directions sought in the present OLR are only consequential to the said exercise being carried out.

4. One of the directions sought in the OLR pertains to a permission to issue notice of recovery to 250 workers to whom, as per re-adjudication of claims, additional amounts were disbursed. The learned counsel appearing for the workers submits that he may be given an opportunity to respond to the present OLR on the question as to whether such recovery notices can be issued.

5. This Court is of the opinion that since the official liquidator is seeking permission only for issuance of recovery notices, the workers could very well respond to the same and they would not suffer any prejudice merely on recovery notices being issued.

6. As the present OLR seeks consequential directions, the same deserves to be granted. Accordingly, the OLR is allowed in terms of prayer clauses (a) to (f).

7. The OLR is disposed of.

(MANISH PITALE, J.)