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

\+ CO.APP. 17/2019

GHAZIABAD VANASPATI UDYOG KARAMCHARI UNION (REGD) .....Appellant

Through: Mr. Suryakant Singla & Mr. Shanto Mukheerjee, Advs. Mr. Ajeet Kumar, Adv.

versus

ELEPHANTA OIL& VANASPATI INDUSTRIES LTD., THROUGH OFFICIAL LIQUIDATOR .....Respondent

Through: Ms. Ruchi Sindhwani, SSC with Ms. Megha Bharara, Adv. for Official Liquidator. Mr. Tanmaya Mehta & Mr. Swayam S. Pahi, Advs. for Share Holder.

CORAM:
HON'BLE MR. JUSTICE YASHWANT VARMA
HON'BLE MR. JUSTICE RAVINDER DUDEJA

O R D E R

% **26.07.2024**

1. Mr. Mehta, learned counsel who claims to represent a shareholder of the company in liquidation seeks a right of audience in this appeal. We find absolutely no justification in law to grant that request bearing in mind the status of the applicant. A shareholder is merely a contributory in the course of liquidation. The said shareholder has also not presented any Scheme to take the company out of liquidation. The prayer so made is refused.

2. We take note of the order impugned in this appeal and in terms of which the claims of the appellant-workmen came to be ruled upon with the Company Judge taking note of an erstwhile settlement. However, and during the pendency of these proceedings, the Official

Liquidator in its Status Report dated 01 April 2024 has on due consideration of the financials of the company proposed the release of dividend to the appellant-workmen in the following terms:

> "12. That the matter with respect to the claims of workmen has been examined in the office of Official Liquidator and since the payment to workmen has been pending for a long time, the Official Liquidator may be permitted to pay the dividend to the workmen as per the report of the Chartered Accountant, the detail are as under:-

S. No.	**Category**	**Number of workers**	**Amount to be paid (Rs.)**
1	A	55	Rs.1,54,64,169 – Rs.2,38,881 (already received) = *Rs.1,52,25,288/-*
2	B	40	*Rs.2,35,39,934/-*
	Total		***Rs.3,87,65,222/-***

3. In view of the aforesaid, we are of the considered opinion that the matter would merit being reconsidered by the Company Judge bearing in mind the fresh Status Report which has been submitted by the Official Liquidator and notwithstanding the order which stands impugned in the instant appeal.

4. Subject to the aforesaid liberty this appeal shall stand disposed of.

5. The matter may now be placed before the concerned Company Judge on 12.08.2024, who may consider release of dividends in terms of report of the Official Liquidator and as per the details extracted hereinabove uninfluenced by the order impugned in this appeal.

YASHWANT VARMA, J

RAVINDER DUDEJA, J

JULY 26, 2024/kk