

**IN THE HIGH COURT OF JHARKHAND AT RANCHI****C.P. No. 2 of 1996(R)**

Kumardhubi Metal Casting &amp; Engineering Ltd. ....Petitioner

Vrs.

Kumardhubi Karamachari Congress &amp; others ..... Respondents

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**CORAM: HON'BLE MR. JUSTICE APARESH KUMAR SINGH**

For the Official Liquidator : Mr. H.K. Mehta, Advocate

For the Bank of India : Mr. A. Allam, Sr. Advocate

For the Workmen : Mrs. M.M. Pal, Sr. Advocate

For the EPFO : Mr. Anil Kumar Singh, Advocate

194 /11.09.2020 Learned counsel for the Official Liquidator Mr. H.K. Mehta; learned Senior Counsel Mr. A. Allam for the Bank of India; learned Senior Counsel Mrs. M.M. Pal for the workmen and learned counsel Mr. Anil Kumar Singh for the EPFO are present through Video Conferencing.

Learned counsel Mr. H. K. Mehta at the outset submits that in terms of the order dated 07.02.2020, the Office of the Regional Director, Ministry of Corporate Affairs, Kolkata has deputed two staffs in Grade-III in the office of Official Liquidator, Ranchi to assist in the exercise of adjudication of the claims of the workmen and other ancillary works relating to the winding up of the Company. He refers to the report of the Official Liquidator dated 12.02.2020 and that of the Regional Director, Kolkata dated 16.03.2020.

Having regard to the submission made by learned counsel for the Official Liquidator and the two reports referred to herein above, it appears that for the present the need for sufficient hand in the office of Official Liquidator, Jharkhand has been addressed in compliance of the order dated 07.02.2020.

Mr. Mehta has thereafter referred to the order dated 17.08.2018 where under the Official Liquidator was allowed to entertain claims for adjudication. He submits that by the cutoff date 14.09.2018, 448 workmen had filed their claim with the Official Liquidator. However, 153 workmen were able to file their claim thereafter, within a period of one month from 14.09.2018. The workmen have requested before the Official Liquidator for seeking extension of time to entertain their claims. Learned Senior Counsel Mrs. M. M. Pal representing them has also submitted that these workmen, total 947 in number originally engaged under the Company have become scattered and some of them have died. It took a while for them to collect relevant documents in support of their claim for filing it before the learned Official Liquidator. In that process about 464 were able to file their claim within time while rest 153 have been able to file it within one month after the cutoff date. The total

number of workmen who have filed their claim is 617.

Mr. Mehta, learned counsel for the Official Liquidator has referred to the report dated 18.09.2018 where under a request has been made for extension of time for one month for entertaining the claims of the workmen.

Having considered the facts and circumstances referred to hereinabove and submission of learned counsel for the Official Liquidator and the workmen, this Court deem it proper to extend the cutoff date for entertaining claims by one month i.e., up to 15.10.2018.

Learned Senior Counsel Mr. A. Allam representing the Bank of India has referred to I.A. No. 4492 of 2020 where in a prayer has been made for modifying the interim order dated 04.05.2019. Mr. Allam and Mr. Mehta, both have informed that payment of 40% of the outstanding amount of the Security Agency have been made after the amount was credited to the account of the Official Liquidator by the Bank of India on 20.03.2020. Payments were disbursed on 23.03.2020.

For consideration on the prayer of the Official Liquidator regarding fresh auction notice and I.A. No. 4492 of 2020 by the Bank of India, let the case appear on 25.09.2020.

**(Aparesh Kumar Singh, J.)**