

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSIA Nos.1-2 In
Civil Appeal No.8300/2002

P C AGARWALA

Appellant (s)

VERSUS

PAYMENT OF WAGES INSP.,M.P. & ORS

Respondent (s)

(With Appln(s). for intervention and for clarification of order dt.30.4.98&8.12.98)
(With Office Report)
(With IA Nos.3-4)

Date : 12/07/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE ARUN KUMARFor Appellant (s) Mr.Gopal Jain,Adv.
Ms. Nina Gupta,Adv.
Ms.Shilpi Jha,Adv.
Ms. Shweta Chadha,Adv.
Ms. Bina Gupta,Adv.For Respondent (s)
For Intervenor Mr. H.N.Salve,Sr.Adv.
Mr.Sanjay Kapur,Adv.
Mr.Rajiv Kapur,Adv.
Mr. Sanjeev Kumar,Adv.For PNB: Mr.Dhruv Mehta,Adv.
For applicant: Mr.Mohit Chaudhary,Adv.
Ms.Shalini Gupta,Adv.for
M/s. K.L. Mehta & Co.Advs.

Mr. B.S.Banthia,Adv.

Mr. K.Bhirava Swamy,Adv.

UPON hearing counsel the Court made the following
O R D E RApplication for intervention is allowed.
IA Nos.3 and 4 are taken on Board.
All the I.As. are disposed of.

COURT MASTER COURT MASTER

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

I.A.Nos. 1-4 In

CIVIL APPEAL NO.8300 OF 2002

P.C.Agarwala.. Appellant

vs.

Payment of wages Insp.,
M.P. & Ors.... Respondents

O R D E R

Application for intervention is allowed.

This Court had clearly and specifically directed that the secured creditors of the Company (in liquidation) were entitled to receive payment pari passu with the workers out of the sale proceeds of the assets of the Company. There was no scope for any confusion in the matter. Yet when the secured creditors made applications for payment of amounts out of the assets of the Company pari passu, the application was disposed of by the learned judge of the Madhya Pradesh High Court by saying that "the payments are being made to the workers in the light of directions of the apex court. However, if the order is clarified by the apex

-2-

court, then prayer of bank shall be considered."

We fail to understand how the payments to the workers could be made without allowing applications of the secured creditors in accordance with this Court's order and what particular clarification is necessary in order to enable the learned judge to dispose of the application of the secured creditors. No clarification is called for. The learned single judge is directed to dispose of the matter expeditiously.

.....J. (RUMA PAL)

.....J.
(ARUN KUMAR)
New Delhi;
July 12,2004.