

ITEM NO.101

COURT NO.11

SECTION X

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 5342/2005

OFFICIAL LIQUIDATOR, HIGH COURT, CALCUTTA

Appellant(s)

VERSUS

SEARSOLE CHEMICAL MAJDOOR SANGH

Respondent(s)

(with appln. (s) for permission to place addl. documents on record)

Date : 30/07/2015 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VIKRAMAJIT SEN
HON'BLE MR. JUSTICE SHIVA KIRTI SINGHFor Appellant(s) Mr. Sanjoy Kr. Ghosh, Adv.
Mr. Avijit Bhattacharjee, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Appeal is disposed of in terms of the Signed Order.

(NEELAM GULATI)
COURT MASTER(SAROJ SAINI)
COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTIONCIVIL APPEAL NO(S). 5342 OF 2005

OFFICIAL LIQUIDATOR, HIGH COURT, CALCUTTA

Appellant(s)

VERSUS

SEARSOLE CHEMICAL MAJDOOR SANGH

Respondent(s)

O R D E R

We have heard learned Counsel for the Appellant. The Order which has been assailed before us has been passed by the High Court of Uttranchal at Nanital on 30th June, 2004, although the liquidation proceedings were under the supervision of the High Court of judicature at Calcutta. Learned Counsel appearing for the Appellant contends that as contemplated in Section 529A of the Companies Act, 1956, (in short 'the Act') the dues of all workmen as well as debts due to all secured creditors has to be paid on equal priority; both these categories shall be placed pari pasu and disbursement will be on pro rata basis. The grievance is that the Impugned Order appears to direct that the dues of the Appellant-Union before the High Court must be paid in preference and in priority to all other claimants. As we see it, the Order requires that the dues of the said Appellant-Union were to be liquidated/quantified and thereafter were to be paid alongwith all other workers as

laid down in the Act. The Order does not state that the claims of the Appellant-Union must be first liquidated/paid before meeting the claims of other workmen and/or secured creditors. All three claimants were to be entertained pari pasu.

Learned Counsel for the Appellant informs us that the Official Liquidator is in fact carrying on his duties on the aforementioned understanding of the Impugned Order. The Appeal is disposed of and the Appellant is directed to proceed under Section 529A of the Act, which is in harmony with the Impugned Order. No order as to costs.

.....J
(VIKRAMAJIT SEN)

.....J
(SHIVA KIRTI SINGH)

NEW DELHI
JULY 30, 2015