

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) (Ins) No.311 of 2019**

**IN THE MATTER OF:**

**Regional Provident Fund Commissioner-I,  
Tirunelveli**

**...Appellant**

**Versus**

**G. Gunasekaran & Ors.**

**...Respondents**

**Present:**

**For Appellant:           Shri Manish Dhir, Advocate**

**For Respondent:        Shri G. Gunasekaran, Liquidator**

**Shri R. Vidya Shankar and Shri B. Rajunath,  
Advocates (Respondent No.1)**

**ORDER**

**06.08.2019**       The Reply Affidavit has been filed by the Respondent. Learned Counsel for the Appellant submits that the Appellant does not intend to file any Rejoinder and placed reliance on the available records. As the matter relates to Provident Fund, we direct the Liquidator to file Affidavit within two weeks and state as to whether they treat the Provident Fund as asset of the Corporate Debtor; and, if the Liquidator is ready to deposit the Provident Fund amount with the Regional Provident Fund Commissioner. Only on receipt of such Affidavit, if we find that the Liquidator is agreeable to deposit the whole Provident Fund amount with the concerned Regional Provident Fund Commissioner, we may hear the Liquidator on merits with regard to other issues.

It is stated that Rs.75,23,608.40 is the Provident Fund amount verified from the records of the Appellant.

Post the case for Orders on 26<sup>th</sup> August, 2019. The Appeal may be disposed of on the next date.

Pendency of this Appeal will not come in the way of Liquidator to deposit the Provident Fund amount in the separate interest bearing account.

[Justice S.J. Mukhopadhaya]  
Chairperson

[Justice A.I.S. Cheema]  
Member (Judicial)

[Kanthi Narahari]  
Member (Technical)

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