

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

**Company Appeal (AT) (Insolvency) No. 730 of 2018**

**IN THE MATTER OF:**

**Aircel Employees Representatives (AER) ...Appellant**

**Vs.**

**Dishnet Wireless Limited ...Respondent**

**Company Appeal (AT) (Insolvency) No. 731 of 2018**

**IN THE MATTER OF:**

**Aircel Employees Representatives (AER) ...Appellant**

**Vs.**

**Aircel Limited ...Respondent**

**Present: For Appellant: - Ms. Shikha Sarin and Ms. Niti Jain, Advocates.**

**For Respondents: - Mr. Abhinav Vashisht, Senior Advocate with Ms. Misha and Mr. Siddhant Kaul, Advocates.**

**O R D E R**

**07.03.2019—** Two separate ‘Corporate Insolvency Resolution Process(s)’ were initiated, one against ‘Dishnet Wireless Limited’ and another against ‘Aircel Limited’.

2. During the ‘Corporate Insolvency Resolution Process’, salary having not paid to the working employees, their representatives (the Appellants herein) filed two separate similar applications before the

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respective Adjudicating Authority (National Company Law Tribunal), Mumbai Bench, Mumbai in September, 2018 for release of salary in favour of employees of the respective 'Corporate Debtors' during the 'Corporate Insolvency Resolution Process'.

3. The Adjudicating Authority taking into consideration the fact that the 'Resolution Professional' expressed its difficulty in arranging funds for payment of salary to the Employees, the Bench expressed its inability to pass specific directions. The 'Resolution Professional' was directed to place on record the list of employees with their designation, monthly salary and the date up to which the salary were disbursed. With the aforesaid directions, the application was disposed of by the impugned order(s) dated both 16<sup>th</sup> October, 2018.

4. Earlier when the matter was taken up, learned counsel appearing on behalf of the 'Resolution Professional(s)' submitted that pursuant to the direction of the Hon'ble Supreme Court, funds were released in favour of the respective 'Corporate Debtor(s)' i.e. 'Dishnet Wireless Limited' and 'Aircel Limited' and salary for the period up to January, 2019 has been paid.

5. Today, when the matter was taken up, it is informed that the salaries of working employees of both the aforesaid 'Corporate Debtor(s)' have been paid for the current period i.e. up to February, 2019.

6. Learned counsel appearing on behalf of the employees' representatives submit that a number of working employees have been paid the salary but the Dearness Allowance etc. have not been paid. In some cases even the basic salary has not been paid. However, as individual claim of each of the employee cannot be decided by this Appellate Tribunal, we give liberty to the individual aggrieved employee to approach the 'Resolution Professional(s)' with representation showing that they are working but have not been paid the basic salary. In such case, the 'Resolution Professional(s)' may verify from the record as to whether such employee is working during the 'Corporate Insolvency Resolution Process' or not and paid wages or not.

7. We make it clear that we have not given liberty to the representatives of the employees to reagitate the matter till the completion of the 'Resolution Process'.

Both the appeals stand disposed of with aforesaid observations.

No cost.

(Justice S.J. Mukhopadhaya)  
Chairperson

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

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