

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Ins) No.783 of 2019

IN THE MATTER OF:

Rakesh Kumar

...Appellant

Versus

**Sanjay Gupta of AAA Insolvency Professional LLP,
Being Liquidator of Samtel Color Ltd.**

...Respondent

Present:

For Appellant:

**Shri Gaurav Mitra, Shri Simran Jyot Singh and Shri
Lohan Ganpathy, Advocates**

For Respondent:

None

O R D E R

05.08.2019 Heard learned Counsel for the Appellant. In this matter, the basic Order was passed on 19th February, 2019 on the Application of one other employee – Sunil Srivastava. The Appellant – present Applicant – Rakesh Kumar claims to be another employee and filed a Clarificatory Application which has been disposed by the Adjudicating Authority by one line Order stating:-

“No clarification is required. The order is absolutely clear with regard to all the issues raised.

CA-1109 (PB)/2019 stands dismissed.”

Learned Counsel for the Appellant is raising legal question which is to the effect that:-

“If an employee claims wages under Section 53(1)(c) of the Insolvency and Bankruptcy Code, 2016 which gives priority at the time of distribution for the dues of 12 months preceding the liquidation commencement date;

does it debar the employee from claiming under Section 53(1)(f) if the employee still has dues and the amounts are available.”

Issue Notice. Requisite along with process fee, if not filed, be filed within two days. If the Appellant provides the e-mail address of Respondent, let notice be also issued through e-mail.

List on 4th September, 2019, for admission.

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

[Kanthi Narahari]
Member (Technical)

/rs/gc