

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

**Company Appeal (AT) (Insolvency) No. 27 of 2019**

**IN THE MATTER OF:**

**E. Sivanandam & 23 Ors.**

**...Appellants**

**Vs.**

**Sarang S. Kale & 3 Ors.**

**...Respondents**

**Present: For Appellants: - Mr. Siddhant Buxy, Advocate.**

**For Respondents: - Mr. Sumant Batra and Ms. Srishti Kapoor, Advocates.**

**Mr. Avrojoyti Chatterjee, Mr. Rajin S. Roy, Mr. Abhijit Roy and Ms. Jayasree Sana, Advocates for R2 & 3.**

**Ms. Astha Mehta and Mr. Ajitesh, Advocates for R1.**

**O R D E R**

**13.03.2019—** The Appellants are 24 workmen of 'M/s. Malabar Hotels Private Limited'- ('Corporate Debtor') against which the 'Corporate Insolvency Resolution Process' was initiated. According to the Appellants, out of 24 workmen, 13 has resigned prior to the initiation of the 'Corporate Insolvency Resolution Process' and rest 11 of them resigned immediately after the initiation of the 'Corporate Insolvency Resolution Process'.

2. Admittedly, except 3 or 4 Appellants, rest of the Appellants have not filed any claim before the 'Resolution Professional'. The 'Information Memorandum' was prepared by the 'Resolution Professional' based on claim and the record of the 'Corporate Debtor'.

3. Subsequently, the 'Resolution Plan' filed by Mr. Sarang S Kale- ('Resolution Applicant') was approved by the Adjudicating Authority (National Company Law Tribunal), Chennai Bench, Chennai, on 17<sup>th</sup> September, 2018.

4. The Appellants- workmen have challenged the order of approval dated 17<sup>th</sup> September, 2018 mainly on the ground that their claim have not been properly dealt with in the 'Resolution Plan'. However, it is admitted that the majority of the Appellants have not filed any claim.

5. Mr. Sumant Batra, learned counsel appearing on behalf of the 'Successful Resolution Applicant'- (Mr. Sarang S Kale) submitted that those workmen who have applied their claim have been taken care, full amount has been allocated in their favour. Rest of the workmen, who may be illiterate and have not applied, with regard to them provisions have been made in the plan itself. It is submitted that full amount will be paid to them subject to filing of their claim and only after verification that they were workmen or not and if they actually performed the duty during one or other period.

6. In view of the stand taken by the learned counsel appearing on behalf of the 'Successful Resolution Applicant'- (Mr. Sarang S Kale) who is now the 'Corporate Debtor', we are not inclined to interfere with the impugned order dated 17<sup>th</sup> September, 2018. The Appellants who have

not been paid any amount are allowed to file their individual application(s) before the 'Corporate Debtor' showing details of claim, enclosing the evidence, if any, in support of such claim. The 'Corporate Debtor' will verify each of such claim from the record or the evidence as may be supplied by the workmen and will pay the admitted dues, if any within three months from the date of receipt of the application(s).

7. We make it clear that we have not decided the individual claim of any of the Appellant, which is to be verified by the 'Corporate Debtor' from the records and evidence as may be produced by them. The appeal stands disposed of with aforesaid observations and directions. No cost.

(Justice S.J. Mukhopadhaya)  
Chairperson

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

Ar/g