

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 758 of 2019

IN THE MATTER OF:

Tecpro Employees Welfare Association Appellant

Vs

Mr. Venkatesan Sankaranarayanan (IRP) and Anr. Respondents

Present:

For Appellant: Mr. P. Animesh K., Advocate.

For Respondents:

ORDER

21.08.2019 Learned Counsel for the Appellant submits that the Appellant is a Welfare Association of the Employees and had no knowledge about the impugned order. The reasons for delay in preferring this Appeal has not been correctly reflected in the Petition for Condonation of delay. Therefore, he prays for and is allowed a week's time to file a proper application for Condonation of Delay, giving the date of publication of newspaper or any other source, from which the Association came to know of the impugned order and the date on which they applied for copy of impugned order.

On merits, it is submitted that the 'Resolution Plan' submitted by the Respondent - 'Successful Resolution Applicant' is discriminatory as the employees have not been provided with the minimum dues since the

'Liquidation' has commenced. It is submitted that as per Section 53 of the Insolvency and Bankruptcy Code, 2016 (for short the 'I&B Code'), the employees are entitled to receive the dues of preceding 12 months of the date of commencement of 'Liquidation', but even such amount has not been paid and the workmen and employees have been paid much less than that.

In the facts and circumstances, the Appellant is allowed to implead the 'Successful Resolution Applicant' – Kridhan Infrastructures Private Limited through its Managing Director/ Directors as party Respondent No.3.

Let notice be issued to the newly impleaded Respondent. Requisites along with process fee be filed by 23rd August, 2019. If the Appellant provides email address of the Respondent, let notice be issued through email.

Post the case 'for orders' on **2nd September, 2019** along with Petition for Condonation of Delay, which may be filed in the meantime.

[Justice S. J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

Ash/GC