

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 474 of 2018

IN THE MATTER OF:

Vinod Kumar Saxena

...Appellant

Versus

**Juggilal Kamlapath Jute Mills
Company Ltd. & Ors.**

.... Respondents

Present:

For Appellant : Mr. Avneesh Garg and Mr. Ajun Aggarwal, Advocates

**For 1st Respondent: Mr. Arvind Kr. Gupta and Ms. Henna George,
Advocates**

O R D E R

24.08.2018 The appellant is a workman (Operational Creditor) who filed the application under Section 9 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the 'I&B Code') which has been rejected by the Adjudicating Authority (National Company Law Tribunal), Allahabad Bench, by impugned order dated 4th July, 2018. From the pleadings, we find that the appellant left the service way back in 2008 and, therefore, at this belated stage, we are not inclined to interfere with the application filed under Section 9 of the I&B Code in regard to the claim of the salary.

So far as the amount deducted pursuant to the MoU of 1995 and MoU of 1999 and other amount deposited by the appellant in the Company's Society and Savings Account are concerned, the Adjudicating Authority was not required to decide in the application under Section 9.

Learned counsel appearing on behalf of Respondent No. 1 informed that the gratuity amount, leave encashment amount, bonus and medical claim etc. has already been paid which has been noticed by the Adjudicating Authority including the cheque numbers which were issued in favour of the appellant.

Learned counsel for 1st Respondent is directed to file reply-affidavit within ten days and specify whether the PF amount and pension to which appellant was entitled has been paid or not. Rejoinder, if any, be filed by the learned counsel for the appellant within a week thereof.

Post the appeal 'for admission' on 17th September, 2018.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/uk/