

**NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH-I, CHENNAI**

**ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH,
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 17.12.2020 at 2.30 P.M
THROUGH VIDEO CONFERENCING**

**PRESENT: SHRI R. VARADHARAJAN, MEMBER (JUDICIAL)
SHRI ANIL KUMAR B, MEMBER (TECHNICAL)**

APPLICATION NUMBER : MA/694/2019

PETITION NUMBER : CP/64/IB/2018

NAME OF THE APPLICANT : N.Mathiyalagan

NAME OF THE RESPONDENT : Satyadevi Alamuri (Liquidator)
(GB Engineering Enterprises Pvt Ltd)

UNDER SECTION : 53(1) of IBC

ORDER

Ld. Counsel for Applicant Mr. V. Ajoy Khose, Ld. Counsel for R1 Mr. S. Sathish, Ld. Counsel for R2 Mr. Thirunavukarasu, Ld. Counsel for R3 Mr. K. Ramesh, Ld. Counsel for R5 Mr. V.V.Shivakumar and Ld. Counsel for R6 to R12 Mr. Aravind Rajagopal are present through video conferencing mode.

It is represented by the Ld. Counsel for R5 Mr. V.V. Shivakumar that his name is not printed on the cause list so the **Registry** may be directed accordingly to print his name in the cause list to enable him to follow up the matter and the Registry to do the needful in this regard.

It is further represented by Ld. Counsel for R5 that Counter has been filed vide e-mail dated 07.10.2020, however, the same is not available on record and in the circumstances, the **Registry** is directed to update the same.

In relation to the Applicant, it is submitted that at least pending this Application proportionately as enshrined in Section 36 of the IBC, 2016 be made available i.e., PF and Gratuity dues if the funds are available with the Liquidator and also in accordance with the decision as cited by the Liquidator himself in the previous hearing of Hon'ble NCLAT without prejudice to the entire claim of the Applicant. We direct the Ld. Counsel for Liquidator for obtaining necessary instructions from the Liquidator in this regard.

Ld. Counsel for Applicant further submits that this is without prejudice to the entire claim as made by the Applicant. A representation is also made by the PF Department that IA/230/2020 should also be tagged along with this Application. However, since the direction has been given for the limited purpose for seeking instructions from the Liquidator by the Counsel for the Liquidator and the same is posted for the said limited purpose the matter may be posted to **23.12.2020** and in relation to subsequent listing in **IA/230/2020** Registry / Office to connect with this **MA/694/2019**.

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(ANIL KUMAR B)
MEMBER (TECHNICAL)

-SD-

(R.VARADHARAJAN)
MEMBER (JUDICIAL)