

NATIONAL COMPANY LAW TRIBUNAL  
DIVISION BENCH - I  
CHENNAI

19

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI  
NATIONAL COMPANY LAW TRIBUNAL, HELD AT 10.30 AM ON 09-03-2020

PRESENT: SHRI R.VARADHARAJAN, MEMBER-JUDICIAL  
SHRI ANIL KUMAR B, MEMBER - TECHNICAL

APPLICATION NUMBER : MA/99/2019 IN CP/55/IB/2018 IN  
PETITION NUMBER : TCP/1225/2017  
NAME OF THE PETITIONER(S) : REGIONAL PROVIDENT COMMISSIONER -1  
THIRUNELVELI  
NAME OF THE RESPONDENT(S) : G.GUNASEKARAN  
UNDER SECTION : SEC 33(2) OF IBC

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
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1.	G. Gunasekaran	Liquidator	Muney
2.	<i>K. M. Muralidharan</i> for G. Bhardwaj	ESI	<i>K. M. Muralidharan</i>
3.	S. Raghavendra Babu	P.F.	<i>S. Raghavendra Babu</i>

**ORDER**

In relation to this Application it is brought to the notice of this Tribunal that an Order passed by the Hon'ble NCLAT dated 05.09.2019, the relevant portion of this Order is as follows: -

*“In view of the aforesaid position no further order is required to be passed except to say that the Adjudicating Authority will decide as to which authority is eligible to receive the amount of Rs.75,23,608.40, which is now kept in the custody of the ‘Regional Provident Commissioner-I’, Tirunelveli for the present.*

*Hence the matter is remitted to the Adjudicating Authority (National Company Law Tribunal), Chennai to give hearing to the Appellant, the ‘Regional Provident Commissioner-I’, Tirunelveli; Respondents including ‘Employees State Insurance Corporation’ and other creditors and decide as to which Authority/creditor is entitled for the said amount uninfluenced by order passed by the Adjudicating Authority or this Appellate Tribunal. It will be also open to the aggrieved person to move against such order in Appeal.*

*The Appeal stands disposed of. No costs.”*

Both the Ld. Counsel namely, Regional Provident Fund Commissioner as well as for the Employees State Insurance Corporation are present. In relation to ESIC, it is represented

that the reply is required to be filed for which some time may be granted.

On a query posed by this Tribunal as to whether any claim(s) is pending as lodged by the employees of the Corporate Debtor with ESIC the Ld. Counsel for the ESIC represents that some time may be granted to ascertain and report the same before this Tribunal; let the same be done within ten days from today.

The Ld. Liquidator is present being the Respondent in the above Application represents that vide Diary No. 4601/2019 a report has been filed before this Tribunal which is material for the disposal of this Application as well, however, it is seen from the cause list the same is not available.

In the circumstance, let the same be listed along with this Application without fail by the **Registry/Bench Officer**. Post this matter on **25.03.2020**.

-SD-

**(ANIL KUMAR B)**  
MEMBER (TECHNICAL)

-SD-

**(R.VARADHARAJAN)**  
MEMBER (JUDICIAL)