

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

C.P(IB) No.65/BB/2017
IN
I.A. 120/2017

**IN THE MATTER OF COMPANIES ACT, 2013
AND
IN THE MATTER OF SECTION 151 OF CPC
READ WITH RULES 11 AND 32 OF NCLT RULES 2016
SECTION 33 OF THE INSOLVENCY & BANKRUPTCY CODE, 2016
AND
EOLANE ELECTRONICS BANGALORE PVT. LTD.**

Order delivered on 20.12.2017

**Eolane Electronics Bangalore Pvt. Ltd.
Plot No.16, Survey No.42 (P)
Electronics City, Phase II
Bangalore 560 100**

.....APPLICANT

Vs.

Impleading Applicant:

**Workmen of Eolane Electronics Bangalore Pvt. Ltd
Represented by Eolane Electronics Employees Union (Regd.)
No.138, Ground Floor, 9th Cross
4th Main, Chamarajpet
Bengaluru 560 018**

.....RESPONDENT

**Coram: 1. Hon'ble Shri.RatakondaMurali, Member Judicial
2. Hon'ble Shri.Ashok Kumar Mishra, Member Technical**

**For the Petitioner(s) : Shri TS Anantharam, Advocate for Workmen
For the Respondent(s): Shri Perikal K Arjun, J Sagar Associates, Advocates**

Per: Hon'ble Shri Ashok Kumar Mishra, Member Technical

**Heard on : 31.07.2017, 04.08.2017, 07.08.2017, 09.08.2017, 16.08.2017, 31.08.2017
13.09.2017, 10.10.2017, 23.10.2017, 13.11.2017, 04.12.2017 and 11.12.2017**

ORDER

This application IA 120/2017 was filed on 07.09.2017 by the Respondent Eolane Electronics Employees Union for impleading the Workmen. The Employees Union has made averments that the Union may be made an Impleading Party in the interest of equity and justice.



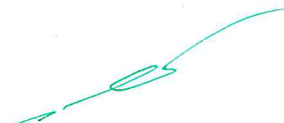

The Counsel for the Employees Union was heard on 26.09.2017. The Counsel for the Petitioner Union also expressed their anguish and protest to the Management in the Meeting convened by IRP without prejudice to their rights and claim. The Workers' Union cited a few case laws as enumerated below:

1. *National Textile Workers Union Vs. PR Ramakrishnan and Others - 1983 Supreme Court Cases (L&S) 72;*
2. *Bombay Metropolitan Transport Corporation Ltd. Vs. Employees of BMTC (CIDCO) Maharashtra General Kungar Union - High Court of Bombay LAWS (BOM) 1987 4 15;*
3. *Indian Plywood Mfg. Co. Ltd., Vs. Commissioner of Labour & Others - In the High Court of Karnataka WA No. 488/1997 dt. 04.09.1998;*
4. *Gowri Spinning Mills (P) Ltd., Rep. by its Managing Director Vs. Assistant PF Commissioner, Salem - High Court of Madras LAWS (MAD) 2006 10 25;*

We have gone through the judgments. But the matter under this IA is under I&B Code which is different from citations given above.

RP has also filed a counter in this. RP has informed that the Corporate Debtor is under moratorium in accordance with the provisions of I&BC and has submitted that Corporate Debtor is under Corporate Insolvency and Resolution process and RP has filed a report certifying the constitution of Committee of Operational Creditors wherein the representative of workmen and representative of employees have been included as Operational Creditors and they can air their concerns in the meeting of Committee of Operational Creditors.


In view of the above, we are of the opinion that, since I&B Act deals with provision of reorganisation and insolvency resolution of Corporate persons in a time bound manner for maximising of value of assets as also plans the interest of stake holders including alteration in the priority of payment of government dues and it has to generate business and facilitate more investment and development. Hence, it is for resolution of insolvency and Workers and Employees Union can represent their

grievance and suggestion if any in the Committee of Creditors meeting for which requisite provision exists in the Code.

Accordingly, the above application is dismissed without costs.


(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL


(RATAKONDA MURALI)
MEMBER, JUDICIAL