

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal(AT)(Insolvency) 474 of 2018**

**IN THE MATTER OF:**

**Vinod Kumar Saxena** **...Appellant**

**Vs**

**M/s Juggilal Kamalapat Jute Mills** **....Respondents**  
**Company Ltd. & Ors.**

**Present:**

**For Appellant: Mr. Avnish Garg and Mr. Arjun Aggarwal,**  
**Advocates.**

**For Respondents: Ms. Purti Marwaha and Ms. Henna George, for**  
**Respondent No. 1**

**Mr. Neeraj Chaudhary and Mr. Ankit Kohli,**  
**Advocates for 45 Intervenors.**

**With**

**Company Appeal(AT)(Insolvency) 475 of 2018**

**IN THE MATTER OF:**

**Shri Kant** **...Appellant**

**Vs**

**M/s Juggilal Kamalapat Jute Mills** **....Respondent**  
**Company Ltd.**

**Present:**

**For Appellant: Mr. Ashok Kumar Jain and Mr. Arjun Aggarwal,**  
**Advocates.**

**For Respondent: Ms. Purti Marwaha and Ms. Henna George,**  
**Advocates.**

**With**

**Company Appeal(AT)(Insolvency) 476 of 2018**

**IN THE MATTER OF:**

**Manju** **...Appellant**

**Vs**

**M/s Juggilal Kamlapat Jute Mills  
Company Ltd.**

**....Respondent**

**Present:**

**For Appellant: Mr. Ashok Kumar Jain and Mr. Arjun Aggarwal,  
Advocates.**

**For Respondent: Mr. Abhijeet Sinha and Ms. Henna George,  
Advocates.**

**With  
Company Appeal(AT)(Insolvency) 477 of 2018**

**IN THE MATTER OF:**

**Ram Kishan**

**...Appellant**

**Vs**

**M/s Juggilal Kamlapat Jute Mills  
Company Ltd.**

**....Respondent**

**Present:**

**For Appellant: Mr. Ashok Kumar Jain and Mr. Arjun Aggarwal,  
Advocates.**

**For Respondent: Ms. Purti Marwaha and Ms. Henna George,  
Advocates.**

**ORDER**

**30.10.2018** The Appellants were the workmen of M/s Juggilal Kamlapat Jute Mill Company Ltd. (Corporate Debtor). They retired from the company between the year 2008 & 2012 as shown below:

Mr. Vinod Kumar Saxena - in the year 2008;

Ms. Manju - in the year 2008,

Mr. Ram Kishan - - in the year 2008 and

Mr. Shri Kant - in the year 2012.

All the Appellants filed their respective Applications under Section 9 of Insolvency & Bankruptcy Code, 2016(I&B Code in short) against the 'Corporate Debtor' which were rejected by impugned orders all dated 4<sup>th</sup> July, 2018.

Learned Counsel for the Appellants submits that number of dues such as Provident Fund, Bonus, pension, leave encashment, medical allowance etc. were not paid to the Appellant. Certain amounts deducted from the salary of the workmen were also not paid to them. However, it is accepted that after filing of the applications, Provident Fund amount has been released in their favour.

Learned Counsel appearing on behalf of 'Corporate Debtor' submits that the Appellants having failed to show the dues payable against one or other head and the years in which they were entitled to. For the said reason, the Adjudicating Authority rejected their respective applications.

On hearing the parties, we find that the appellants had not given the details of dues to which they were entitled and towards bonus, pension, leave encashment or medical allowance. The years in which their such amounts were payable have also not been shown. In this background, the Adjudicating Authority rejected their applications. Therefore, no interference is called for.

However, we give liberty to the workmen to move before the Competent Authority of M/s Juggilal Kamlatpat Jute Mill Company Ltd. giving details of dues to which they are entitled. The Competent Authority may consider the same and thereafter, if so required, the workmen may move appropriate forum for appropriate relief.

All these appeals stand disposed of with the aforesaid observations. No cost.

[Justice S.J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

*Akc/Sk*