

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 403 of 2018

IN THE MATTER OF:

Yogesh Kumar & Ors.

...Appellants

Vs.

**Shantanu T. Ray,
Resolution Professional of M/s. AML Steel
and Power Ltd. & Ors.**

...Respondents

Present: For Appellants: - Mr. Aditya Narayan, Advocate.

ORDER

30.07.2018— Learned counsel appearing on behalf of the Appellants submits that the Appellants are employees and they have been wrongly ousted by the 'Resolution Professional'. It is also submitted that the 'Resolution Professional' is treating them as the ex-employees whereas the Appellants are the employees on roll and are co-operating with the 'Resolution Professional'

However, as we find that there is a dispute as to whether the Appellants are the present or ex-employees, we are of the view that such issue cannot be decided by the Adjudicating Authority or by this Appellate Tribunal.

The Appellants may approach the 'Resolution Professional' and bring to his notice any evidence to show that they are existing employee.

Contd/-.....

In such case, taking into consideration the pay roll and attendance sheet, whatever record is available in the office of the 'Corporate Debtor', the 'Resolution Professional' may decide as to who is the existing employee from whom work should be taken for ensuring that 'Corporate Debtor' continues as on-going concern.

The appeal is disposed of with the foresaid observation. No cost.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/uk