



सत्यमेव जयते

ఉద్యోగుల భవిష్యనిధి సంస్థ
कर्मचारी भविष्य निधि संगठन

Employees' Provident Fund Organisation

(కార్యక మలియు ఉపాధి మంత్రిత్వ శాఖ / శ్రమ एवं रोजगार मंत्रालय / Ministry of Labour & Employment)

భారత ప్రభుత్వం / भारत सरकार / Govt. of India

ప్రాంతీయ కార్యాలయం, బర్కత్ పుర / क्षेत्रीय कार्यालय, बरकतपुरा / Regional Office, Barkatpura

3-4-763, భవిష్యనిధి భవన్ / भविष्यनिधि भवन / Bhavishyanidhi Bhavan

బర్కత్ పుర చమన్, హైదరాబాద్ / बरकतपुरा चमन, हैदराबाद / Barkatpura Chaman, Hyderabad - 500027



No.AP/HYD/32199/Compliance.I/T-2/2023-24/ 453

Date:15.09.2023

THROUGH EMAIL & BY POST

To
Mr. ANIL AGARWAL,
INTERIM RESOLUTIONS PROFESSIONAL,
M/s STL EXPORTS LIMITED,
2006, NAPIER TOWN,
NAUDRA BRIDGE,
BEHIND HE N SHE SHOWROOM,
JABALPUR,
MADHYA PRADESH-482001
Email:anilagrawalca1999@gmail.com.

Sir,

Sub:- Submission of claim in respect Provident Fund dues of M/s STL Exports Limited, 69-72, Plot No.194,I.D.A., Cherlapally, Phase-II,, Hyderabad- 500051 bearing code no. AP/HYD/32199-Reg.

Please refer to order of Hon`ble National Company Law Tribunal directing your appointment as interim resolution professional/Liquidator in respect of M/s STL Exports Limited, 69-72, Plot No.194,I.D.A., Cherlapally, Phase-II,, Hyderabad- 500051 bearing code no. AP/HYD/32199.

From the records held by this office, it is seen that the M/s STL Exports Limited, bearing code no. AP/HYD/32199 is in default of remittance of the following dues:

Dues	Period	Amount	Document
Dues of Provident Fund	09/1997 to 05/1998	1,22,621/-	Annexure-A
Damages u/s 14B(Provisional)	09/1997 to 05/1998	1,91,344/-	Annexure-B

Interest 7Q(Provisional)	u/s	09/1997 to 05/1998	3,98,939/-	Annexure-C
Total			Rs.7,12,904/-	

3. Your attention is drawn to Section 36(4) of the Insolvency and Bankruptcy Code, 2016, which predicates that dues towards provident fund, pension and gratuity constitute third-party assets, and in the consequence thereof, are excluded from the liquidation estate of the corporate debtor and cannot be utilized for making any recovery from him.

4. Your attention is also drawn to the judgment of Hon'ble NCLAT in Sikandar Singh Jamwal Vs Vinay Talwar[CA (AT) 483/2019: judgment dated 11.03.2022] wherein it has been categorically held that dues under EPF Act are not debts and do not form a part of the waterfall mechanism under Section 53 of IBC. The same has also been approved by the Hon'ble Supreme Court by way of dismissal of SLP against the said judgment. The position has attained finality after Hon'ble Supreme Court judgment in Sunil Kumar Jain Vs Sundresh Bhatt [CA 5910 of 2019; decided on 19.04.2022].

In light of the provisions of Sec 11 of the EPF & MP Act 1952 and the settled legal position as mentioned above, you are requested to ensure payment of all EPF dues (Dues of Provident Fund, 14B & 7Q) of Rs. 7,12,904/- as the first charge to be paid and as being outside the liquidation estate of the establishment in question. It is once again reiterated the P.F dues fall outside the liquidation estate of a corporate debtor and must be paid before commencement of liquidation process under the insolvency and bankruptcy code.

You are requested to intimate the status at the earliest for further necessary action.

Yours faithfully



(M DURGA PRASAD)

Assistant PF Commissioner (COMP-I)
REGIONAL OFFICE-I, HYDERABAD.