

IN THE NATIONAL COMPANY LAW TRIBUNAL KOCHI BENCH, KERALA

MA/31/KOB/2020, MA/32/KOB/2020,
MA/33/KOB/2020, MA/34/KOB/2020, MA/35/KOB/2020, MA/36/KOB/2020,
MA/37/KOB/2020, MA/38/KOB/2020, MA/39/KOB/2020, MA/40/KOB/2020,
MA/41/KOB/2020, MA/42/KOB/2020, MA/43/KOB/2020, MA/44/KOB/2020,
MA/45/KOB/2020, MA/46/KOB/2020, MA/47/KOB/2020, MA/48/KOB/2020,
MA/49/KOB/2020, MA/50/KOB/2020, MA/51/KOB/2020, MA/52/KOB/2020,
MA/53/KOB/2020, MA/54/KOB/2020, MA/55/KOB/2020, MA/56/KOB/2020,
MA/57/KOB/2020, MA/58/KOB/2020, MA/59/KOB/2020, MA/60/KOB/2020,
MA/61/KOB/2020, MA/62/KOB/2020, MA/63/KOB/2020, MA/64/KOB/2020,
MA/65/KOB/2020, MA/66/KOB/2020, MA/67/KOB/2020

in
IBA/258/2019(Chennai Bench)
(Under Section 42 of IBC 2016)

Order delivered on: 11.08.2021

Coram:

Hon'ble Shri. Ashok Kumar Borah, Member (Judicial)
Hon'ble Shri. Shyam Babu Gautam, Member (Technical)

Applicants

1. **MA/31/KOB/2020**
Jobin C Joseph
Chethukunnel
Avalookunnu P.O
Arayad South
Alappuzha 688006
2. **MA/32/KOB/2020**
Ajesh Antony
Puthuparambil House,
Omanappuzha,
Pathirappally P.O
Alappuzha 688521
3. **MA/33/KOB/2020**
Joseph Joseph
Puthenpurackal,

MA/31/KOB/2020 and connected

Pathirappally P.O,
Alappuzha-688521

4. MA/34/KOB/2020

Rajesh A
Puthenveedu,
Cheramankulangara
Thathampally P.O
Alappuzha-688013

5. MA/35/KOB/2020

Joseph PC
Punnackal House,
Chethy P.O
Cherthala
Alappuzha 688530

6. MA/36/KOB/2020

Pramod Kumar K.R.
Kakkariyil, Kattoor P.O,
Pathirappally
Alappuzha 688521

7. MA/37/KOB/2020

Francis K.C
Kizhakkethayil,
Pathirappally P.O
Alappuzha 688521

8. MA/38/KOB/2020

Mathew Francis
Thekkepalackel House
Chettikadu
Pathirappally P.O
Alappuzha 688521

9. MA/39/KOB/2020

Binu S
Kalapurackal House,
Kayippuram
Muhamma P.O
Alappuzha 688525

10. MA/40/KOB/2020

Jayakumar
Rajesh Nivas,
Valiya Kalavoor

MA/31/KOB/2020 and connected

Pathirappally P.O
Alappuzha 688521

11. MA/41/KOB/2020

Jossey J
Thannikkal House,
Kalavoor,
Kattoor P.O,
Alappuzha 688522

12. MA/42/KOB/2020

Madhusoodanan Nair,
Puthenparambu,
Kalavoor P.O,
Alappuzha 688522

13. MA/43/KOB/2020

Sebastian Michael
Thekkekarungattu,
Karukayil Ward,
Thathampally P.O
Alappuzha-688013

14. MA/44/KOB/2020

Aneesh C.G
Chakkungal House,
Pathirappally P.O,
Alappuzha 688521

15. MA/45/KOB/2020

Ajith Kumar K
Dwaraka
Muhamma P.O,
Alappuzha-688525

16. MA/46/KOB/2020

Rejimon V.V
Veliyil House
Varanadu P.O
Cherthala
Alappuzha-688539

17. MA/47/KOB/2020

Sebastian T.A,
Thekkumuriyil, T
hathampally P.O,
Karalakam Ward,

MA/31/KOB/2020 and connected

Alappuzha-688013

18. MA/48/KOB/2020

Natarajan K.B
Kandamparambil,
Mayithara P.O
Cherthala South,
Alappuzha-688529

19. MA/49/KOB/2020

Ganesan K.K
Korath Chirayil
Vadackal
Thiruvambady P.O
Alappuzha 688002

20. MA/50/KOB/2020

Nizar A
Nalekadu
Ponnad P.O
Mannanchery
Alappuzha-688538

21. MA/51/KOB/2020

Anas Abdul Azeez
Kattunkal Kamibbkalam,
Thondankulangara
Alappuzha-688006

22. MA/52/KOB/2020

Rajesh Kumar V.B,
Mooppidissery
Veliyil Kalavoor
Alappuzha 688522

23. MA/53/KOB/2020

Antony Wilson
Plackaparambil
,Pathirappally P.O,
Poomkav
Alappuzha-688521

24. MA/54/KOB/2020

Bennichan J
B.J Cottage,
Kalath Ward,
Avalookunnu P.O,

MA/31/KOB/2020 and connected

Arayad south,
Alappuzha-688006

25. MA/55/KOB/2020

Prajesh J Das, Kattungal House,
Pathirappally P.O,
Alappuzha-688521

26. MA/56/KOB/2020

Varghese M.M
Palappally,
Avalookunnu P.O,
Punnamada,
Alappuzha-6888006

27. MA/57/KOB/2020

Philip C.J,
Thaiparambil House,
Seaview Ward,
Alapuzha-688012

28. MA/58/KOB/2020

Sujith P.J
Palliparambil House
Kattoor P.O
Kalavoor
Alapuzha-6888546

29. MA/59/KOB/2020

Rajendran P,
Syamalamandiram,
Mynagapally P.O,
Kalathoor (North)
Kollam-690519

30. MA/60/KOB/2020

Prasanth T.P,
Prasanth Bhavan,
North Aryad P.O.
Maaannancherry,
Alapuzha-688538

31. MA/61/KOB/2020

Varghese Antony,
Mappilassery House,
Karuka Ward Avalukunnu P.O
Alappuzha-688006

MA/31/KOB/2020 and connected

32. MA/62/KOB/2020

Tony Mathew
Puthenpurackal,
,Pathirappally P.O,
Poomkav
Alappuzha-688521

33. MA/63/KOB/2020

Binumon S Pushpalayam,
Poomthoppu Ward,
Poppypalam,

34. MA/64/KOB/2020

Madhu G Parathara(H),
Kanjikuzhy,
Alapuzha 688 523

35. MA/65/KOB/2020

Renjith K.G,
Kaniyamparambil,
Pulinkunnu P.O,
Alappuzha 688504

36. MA/66/KOB/2020

Ouseph A.L, Alunkal,
Kuthirapanthy,
Thiruvambady P.O
Alappuzha 688002

37. MA/67/KOB/2020

Jeevankumar M.R
Krishna Nivas House, Pazhaveedu P.O
Alappuzha 688009

Versus

Respondent in all the above cases

Shri. Ravindra Chaturvedi
Liquidator of Excel Glasses Limited,
BKC Centre, 31-E, Lakshmi Industrial Estate,
New Link Road, Andheri (w), Mumbai-400 053

Parties/Counsel Present (through Video Conferencing):

For Applicants : Shri. B. Ashok Shenoy, Advocate

For Respondent : Shri. Joseph Kodianthara, (Senior Advocate)

ORDER

Per: Ashok Kumar Borah, Member (J)

1. These appeals have been filed by the Applicants who were workmen/ employees of Excel Glasses Limited under Section 42 of Insolvency & Bankruptcy Code, 2016 (hereinafter referred as Code) aggrieved by the decision of the liquidator dated 02.01.2020 intimating them the Claims of Workmen/ Employees in the matter of Excel Glasses Limited.
2. The brief facts are: -

An application has been filed under Section 7 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the "Code") read with Rule 4 of the Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016 against the Corporate Debtor (Excel Glasses Limited) before the National Company Law Tribunal, Chennai Bench, by Boon Investment and Trading Company Private Limited. The said application was admitted by the National Company Law Tribunal, Chennai Bench, vide its Order dated March 26, 2019 and accordingly, the Corporate Insolvency Resolution Process (hereinafter referred to as "CIRP") was initiated. Since no resolution plan was received during CIRP period, the order for Liquidation of the Corporate Debtor was passed vide Order dated October 21, 2019 by this Bench and the Respondent herein, Mr. Ravindra Chaturvedi, was appointed as the Liquidator of the Corporate Debtor.

Pursuant to the order of liquidation, the Liquidator, (respondent herein) had issued Public Announcement on 22.10.2019 and published in two newspapers on 24.10.2019 intimating the liquidation of the subject company calling upon the stakeholders of the subject company to submit proof of their claims on or before 20.11.2019.

Brief description about the applicants:

MA/31/KOB/2020

The appellant Jobin C Joseph stated that he was a **Sorter** of the Corporate Debtor since 02.09.2006. On seeing the Public Announcement dated 22.10.2019, he had submitted his claim in Form E to the respondent claiming amount on various counts

MA/31/KOB/2020 and connected

such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by email dated 18.12.2019. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **8,94,539/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know that on 29.02.2020 that an amount to the tune of Rs. **28,488/-** has only been admitted by the respondent and an amount of Rs. **14,71,512/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claim of the appellant, he had filed this application under Section 42 of the Code.

MA/32/KOB/2020

The appellant Ajesh Antony stated that he was a **Sorter** of the Corporate Debtor since 01.09.2006. On seeing the Public Announcement dated 22.10.2019, he had submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on 20.11.2019.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by email dated 18.12.2019. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **8,94,539/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim.

MA/31/KOB/2020 and connected

However, as per the list of “Details of Claims of Workmen/ Employees” uploaded on the website of the subject company on 02.01.2020, the appellant came to know on 29.02.2020 that an amount to the tune of Rs. **28,488/-** has been admitted by the respondent and an amount of Rs. **14,71,512/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/33/KOB/2020

The appellant Joseph Joseph stated that he was a **Packer** in the service of the Corporate Debtor since 06.12.1996. On seeing the Public Announcement dated 22.10.2019, he had submitted his claiming in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on 20.11.2019.

Upon receipt of the appellant’s aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by email dated 16.12.2019. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **10,38,418/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant’s claim. However, as per the list of “Details of Claims of Workmen/ Employees” uploaded on the website of the subject company on 02.01.2020, the appellant came to know on 29.02.2020 that the claim to the tune of Rs. **1,24,751/-** has been admitted by the respondent and an amount of Rs. **9,13,667/-** has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/34/KOB/2020

The appellant Rajesh A. stated that he was a **Swab Boy** in **I.S Machine Department** of the Corporate Debtor since 20.08.2007. The Power of Attorney (dated 12.02.2020)

MA/31/KOB/2020 and connected

holder of the appellant Mrs. Soniya Raju filed this appeal. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on 20.11.2019.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated 18.12.2019. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **8,91,854/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on 29.02.2020 that the claim to the tune of Rs. **28,705/-** has been admitted by the respondent and an amount of Rs. **19,71,295/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/35/KOB/2020

The appellant Joseph P.C. stated that he was a **I.S Machine Helper** of the Corporate Debtor since 24.03.2005. The Power of Attorney (dated 10.02.2020) holder of the appellant Mrs. Mary Jasmine filed this appeal. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on 25.11.2019.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by email dated 18.12.2019. The appellant had on 30.12.2019 submitted a detailed Claim

MA/31/KOB/2020 and connected

Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **9,29,243/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on 29.02.2020 that the claim to the tune of Rs. **35,069/-** has been admitted by the respondent and an amount of Rs. **17,64,931/-**(sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/36/KOB/2020

The appellant Pramod Kumar K. R. stated that he was a **Sorter** of the Corporate Debtor since 17.05.2005. The Power of Attorney (dated 31.01.2020) holder of the appellant Mrs. Teenamol A.J. filed this appeal. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on 22.11.2019.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated 18.12.2019. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **9,39,844/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on 29.02.2020 that the total claim to the tune of Rs. **9,39,844/-** has been declined.

MA/31/KOB/2020 and connected

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/37/KOB/2020

The appellant Francis K.C. stated that he was a **Sorter** of the Corporate Debtor since 16.09.1996. The Power of Attorney (dated 12.02.2020) holder of the appellant Mrs. Beena Francis filed this appeal. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on 20.11.2019.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated 19.12.2019. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **10,40,025/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on 29.02.2020 that the claims to the tune of Rs. **89,273/-** has been admitted by the respondent and an amount of Rs. **15,60,727/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/38/KOB/2020

The appellant Mathew Francis stated that he was a **Packer** in the service of the Corporate Debtor since 01.09.2006. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on 18.11.2019.

MA/31/KOB/2020 and connected

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated 15.12.2019. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **8,93,091/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on 27.02.2020 that the claim to the tune of Rs. **28,445/-** has been admitted by the respondent and an amount of Rs. **14,47,197/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/39/KOB/2020

The appellant **Binu. S** stated that he was a **Furnace Operator** in the service of the Corporate Debtor since **17.05.2005**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **19.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **9,43,590/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on

MA/31/KOB/2020 and connected

29.02.2020 that the claim to the tune of Rs. **35,218/-** has been admitted by the respondent and an amount of Rs. **16,14,782/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/40/KOB/2020

The appellant **Jayakumar** stated that he was a **Furnace Operator** in the service of the Corporate Debtor since **01.01.2008**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **19.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **8,85,177/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claim to the tune of Rs. **95,963/-** has been admitted by the respondent and an amount of Rs. **18,32,892/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/41/KOB/2020

The appellant **Jossey. J** stated that he was a worker in **Furnace** in the service of the Corporate Debtor since **09.05.2005**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an

MA/31/KOB/2020 and connected

amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **17.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **9,41,619/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **27.02.2020** that the claim to the tune of Rs. **97,329/-** has been admitted by the respondent and an amount of Rs. **29,02,671/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/42/KOB/2020

The appellant **Madhusoodanan Nair** stated that he was a **Sorter** in the service of the Corporate Debtor since **10.05.2005**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **21.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **17.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **9,39,844/-**

MA/31/KOB/2020 and connected

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **27.02.2020** that the claim to the tune of Rs. **35,086/-** has been admitted by the respondent and an amount of Rs. **14,64,914/-**(sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/43/KOB/2020

The appellant **Sebastian Michael** stated that he was a **Swab Boy in I.S Machine** in the service of the Corporate Debtor since **03.05.2005**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **22.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **18.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **9,21,114/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claims to the tune of Rs. **28,690/-** has been admitted by the respondent and an amount of Rs. **19,71,310/-**(sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/44/KOB/2020

MA/31/KOB/2020 and connected

The appellant **Aneesh C.G** stated that he was a **Worker in Packing** in the service of the Corporate Debtor since **04.07.1998**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **16.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **10,16,790/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claim to the tune of Rs. **77,183/-** has been admitted by the respondent and an amount of Rs. **17,22,817/-**(sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/45/KOB/2020

The appellant **Ajith Kumar. K** stated that he was a **Sorter** in the service of the Corporate Debtor since **23.04.1998**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **19.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought

MA/31/KOB/2020 and connected

for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **10,28,660/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **27.02.2020** that the claim to the tune of Rs. **77,295/-** has been admitted by the respondent and an amount of Rs. **14,82,705/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/46/KOB/2020

The appellant **Rejimon V. V** stated that he was a **Sorter** in the service of the Corporate Debtor since **02.09.2006**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **17.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **8,94,539/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **27.02.2020** that the claim to the tune of Rs. **28,488/-** has been admitted by the respondent and an amount of Rs. **14,71,512/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/47/KOB/2020

The appellant **Sebastian T. A** stated that he was a **Packer** in the service of the Corporate Debtor since **01.09.2006**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **15.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **8,98,878/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claim to the tune of Rs. **28,445/-** has been admitted by the respondent and an amount of Rs. **11,71,555/-**(sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/48/KOB/2020

The appellant **Natarajan K. B.** stated that he was a **Packer** in the service of the Corporate Debtor since **14.09.1996**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **25.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **20.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought

MA/31/KOB/2020 and connected

for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **4,96,442/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claim to the tune of Rs. **88,970/-** has been admitted by the respondent and an amount of Rs. **3,11,030/-** has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/49/KOB/2020

The appellant **Ganesan K. K** stated that he was a **employee** in the service of the Corporate Debtor since **08.06.1996**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **17.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **10,49,248/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claim to the tune of Rs. **89,187/-** has been admitted by the respondent and an amount of Rs. **17,10,813/-**(sic) has been declined.

MA/31/KOB/2020 and connected

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/50/KOB/2020

The appellant **Nizar. A** stated that he was a **Packer** in the service of the Corporate Debtor since **02.09.2006**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **22.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **18.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **8,93,091/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **27.02.2020** that his full claim amount of Rs. **8,93,091/-** has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/51/KOB/2020

The appellant **Anas Abdul Azeez** stated that he was a **Swab Boy (Production)** in the service of the Corporate Debtor since **01.11.2011**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **29.11.2019**.

MA/31/KOB/2020 and connected

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **15.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **18,00,000/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that his entire claim of Rs. **18,00,000/-** has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/52/KOB/2020

The appellant **Rajeshkumar V. B** stated that he was a **Packer** in the service of the Corporate Debtor since **07.07.1998**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **18.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **10,16,750/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on

MA/31/KOB/2020 and connected

27.02.2020 that the claim to the tune of Rs. **77,183/-** has been admitted by the respondent and an amount of Rs. **15,53,551/-**(sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/53/KOB/2020

The appellant **Antony Wilson** stated that he was a **Furance-cum-Batch Plant Operator** in the service of the Corporate Debtor since **02.09.2006**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **27.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **9,03,991/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claim to the tune of Rs. **28,711/-** has been admitted by the respondent and an amount of Rs. **9,61,483/-** (sic)has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/54/KOB/2020

The appellant **Bennichen J** stated that he was a **Packer** in the service of the Corporate Debtor since **04.11.1996**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on

MA/31/KOB/2020 and connected

various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **16.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **10,38,385/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claim to the tune of Rs. **83,200/-** has been admitted by the respondent and an amount of Rs. **14,16,800/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/55/KOB/2020

The appellant **Prajesh J. Das** stated that he was an employee in the service of the Corporate Debtor since **23.09.2011**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **18.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **8,45,804/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim.

MA/31/KOB/2020 and connected

However, as per the list of “Details of Claims of Workmen/ Employees” uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** an amount of **Rs. 18,00,000/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/56/KOB/2020

The appellant **Varghese M. M** stated that he was a **Packer** in the service of the Corporate Debtor since **05.05.1997**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claims amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **16.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as **Rs. 10,38,418/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of “Details of Claims of Workmen/ Employees” uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claim to the tune of **Rs. 83,200/-** has been admitted by the respondent and an amount of **Rs. 17,16,800/-**(sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/57/KOB/2020

The appellant **Philip C. J** stated that he was a **Packer** in the service of the Corporate Debtor since **01.09.2006**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on

MA/31/KOB/2020 and connected

various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **18.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **10,38,418/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claim to the tune of Rs. **89,143/-** has been admitted by the respondent and an amount of Rs. **17,10,857/-**(sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/58/KOB/2020

The appellant **Sujith P. J** stated that he was an employee in the service of the Corporate Debtor since **01.05.2005**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **19.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **9,39,844/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim.

MA/31/KOB/2020 and connected

However, as per the list of “Details of Claims of Workmen/ Employees” uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claims to the tune of Rs. **35,086/-** has been admitted by the respondent and an amount of Rs. **17,64,914/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/59/KOB/2020

The appellant **Rajendran P.** stated that he was a **Sorter** in the service of the Corporate Debtor since **18.10.1998**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **22.11.2019**.

Upon receipt of the appellant’s aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **18.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **8,71,074/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant’s claim. However, as per the list of “Details of Claims of Workmen/ Employees” uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that his entire claim to the tune of Rs. **8,71,074/-** has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/60/KOB/2020

The appellant **Prasanth T. P** stated that he was an employee in the service of the Corporate Debtor since **10.05.2005**. On seeing the Public Announcement dated

MA/31/KOB/2020 and connected

22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **19.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **9,38,364/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **27.02.2020** that the claim to the tune of Rs. **35,034/-** has been admitted by the respondent and an amount of Rs. **17,64,966/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/61/KOB/2020

The appellant **Varghese Antony** stated that he was a **Sorter** in the service of the Corporate Debtor since **02.09.2006**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **20.11.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **8,94,539/-**

MA/31/KOB/2020 and connected

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **27.02.2020** that the claim to the tune of Rs. **28,488/-** has been admitted by the respondent and an amount of Rs. **9,71,512/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/62/KOB/2020

The appellant **Tony Mathew** stated that he was a **Sorter** in the service of the Corporate Debtor since **31.08.2007**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **22.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **28.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **8,92,332/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claim to the tune of Rs. **22,975/-** has been admitted by the respondent and an amount of Rs. **9,77,025/-**(sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/63/KOB/2020

MA/31/KOB/2020 and connected

The appellant **Binu Mon S** stated that he was a **Packer** in the service of the Corporate Debtor since **26.08.1995**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **22.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **17.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **10,61,143/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claim to the tune of Rs. **96,148/-** has been admitted by the respondent and an amount of Rs. **17,03,852/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/64/KOB/2020

The appellant **Madhu G** stated that he was a **Sorter** in the service of the Corporate Debtor since **28.06.1997**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **22.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **17.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought

MA/31/KOB/2020 and connected

for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **10,29,721/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **29.02.2020** that the claim to the tune of Rs. **83,322/-** has been admitted by the respondent and an amount of Rs. **15,51,362/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/65/KOB/2020

The appellant **Renjith K. G** stated that he was a **Packer** in the service of the Corporate Debtor since **03.09.1998**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **17.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **10,14,692/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **27.02.2020** that the claim to the tune of Rs. **77,033/-** has been admitted by the respondent and an amount of Rs. **17,22,967/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/66/KOB/2020

The appellant **Ouseph A. L** stated that he was a **Sorter** in the service of the Corporate Debtor since **05.05.1997**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **22.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **18.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **8,93,091/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **27.02.2020** that the entire claim of Rs. **8,93,091/-** has been declined by the Respondent.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

MA/67/KOB/2020

The appellant **Jeevankumar M. R** stated that he was a **Turner** in the service of the Corporate Debtor since **17.07.1995**. On seeing the Public Announcement dated 22.10.2019, the appellant submitted his claim in Form E to the respondent claiming an amount on various counts such as salary arrears, bonus, lay off compensation, closure/ retrenchment compensation, and notice pay and gratuity on **20.11.2019**.

Upon receipt of the appellant's aforesaid claim, the respondent sought for production of certain documents and detail, in terms of Section 39 (2) of Code from the appellant, by Email dated **18.12.2019**. The appellant had on 30.12.2019 submitted a detailed Claim Form, afresh with Bio-Data cum claim, furnishing all documents and details sought

MA/31/KOB/2020 and connected

for in the aforesaid email, showing the breakup and details of the amounts due to him, as Rs. **10,79,739/-**

The appellant submitted that despite submission of claim, respondent did not communicate the decision of either admission or rejection of the appellant's claim. However, as per the list of "Details of Claims of Workmen/ Employees" uploaded on the website of the subject company on 02.01.2020, the appellant came to know on **27.02.2020** that the claim to the tune of Rs. **97,735/-** has been admitted by the respondent and an amount of Rs. **10,44,589/-** (sic) has been declined.

Aggrieved by the decision of the respondent rejecting the claims of the appellant, the appellant filed this application under Section 42 of the Code.

3. The respondent -Liquidator, filed counter in each case inter alia stating in all the cases as under: -

- I. At the time of processing of the claims received from the employees, certain deficiencies were found in the claim application and they were advised vide Email and registered letters for their responses/ clarifications. However, satisfactory responses were not received and the Respondent had no option but to accept the claims upto the amount reflected in the audited books of accounts of the Corporate Debtor.
- II. The respondent summarised the points as stated in Exhibit D (List of stakeholders for workmen/ Employees) of the stakeholders Report dated 20.12.2020 and submitted that most of the claims of the workmen and employees were received by the Liquidator after the last date fixed for receipt of claims i.e., 20.11.2019. In the absence of appropriate response and documents required to support the claims, the liquidator in accordance with Regulation 19 verified the total liability towards workmen/ employees as per the books of account of the Corporate Debtor till October 21, 2019, the date on which the liquidation order was passed. It is also stated that the respondent had sought opinions from 3 leading advocates, who opined that the lock-out was legal and hence only gratuity dues were to be paid till the date of liquidation. The Liquidator stated that he has further appointed an Actuarial

Valuer to ascertain the exact amount of gratuity payable including the amount payable as on the date of liquidation. On the basis of which the claims were accepted.

- III. The learned Senior Counsel for the respondent further submitted that the claims were processed as per Regulation 25 read with Regulation 19(4) of Liquidation Process Regulations, 2016 verifying the audited books of accounts of Corporate Debtor and intimated to all workmen/employees regarding their claims under Sec 40(2). Consequently, the list of stakeholders was published on the website and filed before this Bench with the following remarks:

"The claim amount admitted is subject to further scrutiny based on subsequent information/documents sought from the Corporate Debtor / Creditors, and the Liquidator may modify / correct the list of claims under Regulations 31(3) and 31(4) of the IBBI (Liquidation Process) Regulations, 2016, on the direction of the NCLT"

- IV. The Respondent further stated that the appellants failed to provide any proof of having been appointed in service of employment of the Corporate Debtor. It is also stated that the benefit accruing to the Appellants shall be subject to documents available on record with the Respondent unless otherwise proven with sufficient evidence that the appellant was in employment of Corporate Debtor. Respondent further stated that he is willing to admit the claims under 'claim not admitted/verification' category under the "list of workmen/employees dues", but the same depends upon the availability of appropriate proof/evidence/ justification thereof. The Respondent therefore stated that the Appellants without properly responding to the communication addressed to them has filed these Appeals.

Findings:

4. We have gone through the case records and submissions made by the learned counsel for the appellants as well as the learned Senior Counsel for the respondent – Liquidator as also the extant provisions of the Code and Rules made thereunder. After hearing the arguments made by both parties through video conferencing and

MA/31/KOB/2020 and connected

on verification of records it is found that the Liquidator filed M.A./78/KOB/2020 in IBA/258(CB)/2019 under Section 35(1)(n) of IBC 2016 and Regulation 31(3) of the Insolvency and Bankruptcy Board of India Regulations, 2016 seeking appropriate directions/order in respect of modifications in the List of Stakeholders Report. For the reasons stated therein and after considering the documents produced, this Tribunal vide order dated 10.08.2020 passed the following order:

"In view of the above, the Liquidator is permitted to appropriately modify the entry or entries in the List of Stakeholders Report in the subject matter. The Liquidator is directed to meticulously adhere to the Rules and Regulations while carrying out the above exercise."

5. As per the above order of this Tribunal, the Respondent modified the entries in the list of the claims of the workmen/employees based on the books of account of the Corporate Debtor and uploaded it on the website of the Corporate Debtor and that the respondent had also sent the said order vide email dated 21.08.2020 in respect of individual claims.
6. On perusal of the filing dates of these appeals, it was found that M.A/31/KOB/2020 to M.A/67/KOB/2020 were filed on 13.03.2020, which were prior to or on the same day of the modified order of the Liquidator, which was communicated by e-mail dated 21.08.2020.
7. Keeping in view the facts and circumstances stated above, this Tribunal refers to Section 42 of IBC, 2016, which states: -

"A creditor may appeal to the Adjudicating Authority against the decision of the liquidator '[accepting or] rejecting the claims within fourteen days of the receipt of such decision."

8. The present Applications should have been filed within 14 days of the decision of the Liquidator i.e., on 21.08.2020. However, the applications were filed before or on the date of the final order of the Liquidator. Therefore, we are of the considered opinion that the applicants failed to make out any case so as to interfere in the impugned action of the respondent.

MA/31/KOB/2020 and connected

9. The applicants have without waiting for the final order of the Liquidator rushed to the Tribunal and filed these applications prematurely. Without going to the merits of these applications, M.A/31/KOB/2020 to M.A/67/KOB/2020 in IBA/258/Chennai Bench/2019 are dismissed being premature. However, this order will not stand in the way of the applicants in proceedings against the Respondent, under Section 42 of I&B Code,2016, if they are so advised.

Dated this the 11th day of August 2021

Sd/-
(Shyam Babu Gautam)
Member (Technical)

Sd/-
(Ashok Kumar Borah)
Member (Judicial)

Linju