

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 693 of 2025
& I.A. No. 2676 of 2025

IN THE MATTER OF:

Employees Provident Fund Organisation, Nashik

...Appellant

Versus

Girish Siriram Juneja & Anr.

...Respondents

Present:

For Appellant: Mr. Kaushal Gautam, Advocate.

For Respondents:

O R D E R
(Hybrid Mode)

30.06.2025: Heard learned counsel for the Appellant. This appeal has been filed against order dated 07.03.2025 passed by the Adjudicating Authority (National Company Law Tribunal), Mumbai Bench by which the application filed by the Appellant IA No.4943/2024 has been rejected.

2. Liquidation of the Corporate Debtor commenced on 13.04.2023. Appellant on 28.04.2023 filed a claim of Rs.2,48,13,087/- which claim was admitted for an amount of Rs.2,41,20,619/-. The said claim pertains to claim under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. Subsequently, the Appellant filed a revised claim on 28.10.2023 for an amount of Rs.7,33,82,101/- which was on account of orders passed under Section 7Q and 14B of 1952 Act. The said claim was not entertained and not admitted by the Liquidator. Aggrieved by which, IA

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No.4943/2024 was filed by the Appellant, which has been rejected by the Adjudicating Authority. Appellant has come up in this appeal challenging the said order.

3. Learned counsel for the Appellant submits that the claim under Section 7Q and 14B arises out of claim under Section 7A and all the claims being interrelated, the Adjudicating Authority was liable to accept the claim. There can be no bifurcation of claim under 7Q and 14B which are part and parcel of the claim under 7A.

4. We have considered the submission of learned counsel for the Appellant and perused the record.

5. There is no dispute to the proposition that claim under 7Q and 14B arises after 7A is determined. In the present case, claim under 7A was filed within the time on 28.04.2023, which was admitted. Subsequently, claim under 7Q and 14B arose out of two orders dated 23.10.2023, which claims were subsequent to the liquidation commencement date. In paragraph 9 of the order the Adjudicating Authority has noticed the above fact, which is as follows:

“9. These communications clearly evidence that the revised claim of the Applicant EPFO was rejected on 02.01.2024 in clear terms as being inadmissible on account of it having been filed beyond the last date for filing of the claim; the original claim of the Applicant

was admitted; and the revised claim is arising from two orders passed on 23.10.2023 which is after the liquidation commencement date. The Applicant had a remedy in the form of Appeal in terms of Section 42 of the Code specifically providing for an Appeal within 14 days of the receipt of the decision of the Liquidator rejecting or admitting the claim of the Creditor. Undisputedly, this remedy was not availed by the Liquidator herein. Since there is a specific provision providing for appeal, this Tribunal cannot have jurisdiction in terms of Section 60(5) of the Code. Nonetheless it is trite law that the claims of the Creditor in existence as on the liquidation commencement date are only admissible and such claims has to be filed within the time period allowed by the Liquidator in terms of public announcement made after commencement of the Liquidation or such period as is extended thereafter. In the present case even, the revised claim has not been filed within the time prescribed by the Liquidator for filing of claim.”

6. Any claim which arises after liquidation commencement date cannot be entertained by the Liquidator as per the statutory scheme under Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016. Claim under 7Q and 14B arose only on 23.10.2023 i.e. subsequent to liquidation commencement date. The Adjudicating Authority did not commit any error in not accepting the said claim. We, thus, do not find any ground

to interfere in the order rejecting claim filed by the Appellant. There is no merit in the appeal. Appeal is dismissed.

[Justice Ashok Bhushan]
Chairperson

[Justice N Seshasayee]
Member (Judicial)

[Arun Baroka]
Member (Technical)

Archana/nn