

IN THE HIGH COURT OF KERALA AT ERNAKULAM

Present :

THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR

Thursday, the 20th day of February 2020/1st Phalgun, 1941

OP(C) No.484/2020

**Petitioners:**

1. P. X Xavier, aged 57 years, S/O Late P. O. Xavier, Workman of Excel Glasses Ltd., Udayanagar Alappuzha Residing at Palakkappillil House, Cheranelloor PO, Cochin 682034 Kerala.
2. Mr. K. Joseph, aged 56 years, S/O Mr. Kuriakose, Workman of Excel Glasses Ltd., Udayanagar Alappuzha residing at KizhakkeValezhatu House, K. R. Puram PO, Pallippuram Alappuzha 688541. Kerala.
3. Mr. Sunil Kumar P. R, aged 52 years, S/O Late Mr. P. N. Raghavan residing at Puthanveedu House, Vismaya, East Kadungalloor, Near IOC petrol Pump, U C College Po, Aluva 683102, , Kerala .
4. Mr. Sanil P. D, aged 57 years, S/O Late Mr. Rajan, residing at PulimoottilHouse, Kalapura Ward, Alappuzha North PO, 688007. Kerala.
5. Mr. Joseph O.J, aged 49 years, S/O Chacko Joseph residing at Njarakkattu House K r. Puram PO, Cherthala, Alapuzha 688541, , Kerala.
6. Mr. T. N Sethu Madhavan, aged 56 years, S/O Late T.M. Nates Babu, Nikarthil House, Poonthoppu ward, (Near Kummady Bridge), Allapuzha 688006.Kerala.
7. Mr. Shibu Bhaskaran , aged 47 years, S/O Late K. Bhaskaran residing at Sheena Nivas, Valamangalam North, Thuravoor P.O, Cherthala 688532, Kerala.
8. Mr. Siby A. , aged 51 years, S/O Late Antony P. T, residing at Puthanpurayil House Thaneermukkam Po, Cherthala 688527, Kerala

9. Mr. P.P. Sreelal, aged 57 years, S/O Late C.T Palani, Parappally House, Pathirapally P.O, Alapuzha 688521.Kerala.
- 10.Mr. Sugunan K, aged 54 years, S/O Mr. Kuttan V. K, residing at Kochuveli House, Pallippuram P.O, Cherthala Alapuzha 688541.Kerala.
- 11.Mr. Suresh Babu K. K., aged 52 years, S/O Late Mr K. K. Kumaran, residing at Kurudamparambu House, Thirumala Bhagam PO, Thuravoor, Cherthala, Alappuzha 688540.
- 12.Mr. Vinod P R, aged 47 years, S/O N. G. Rajappan, residing at Pattachira House, Thirunelloor PO Cherthala 688541.
- 13.Mr. Ajaykumar C.B, aged 48 years, S/O Mr. Balakrishana M, residing at Cheruvalli House, Parayil, Pattanakkadu PO, Cherthala Alappuzha, 688531.
14. Mr. Biju. R, aged 43 years, S/O Mr. N. G. Rajappan, residing at Pattachira House, Thirunalloor PO, Cherthala Alappuzha 688541.
- 15.Mr. Charley Lopez., aged 57 years, S/O Late Mr Philip Lopez, residing at Thyparambil House, near collector's Bungalow, sea view -ward, Bazar PO, Alappuzha 688012.
- 16.Mr. Dinesan V, aged 55 years, S/O Late T. O. Vasu, residing at Thaliyadiyil House Vanaswargam Kanjikuzhy Muhamma Po, 688525 Alappuzha , Kerala
- 17.Mr. Unnikrishnan K K, aged 57, S/O Krishnan K K, residing at Kizhippilly House, Vijaya Nagar, Vendor, Alagappa NagarP.O Amballoor, Trhissur 680302, Kerala.
- 18.Mr. Jossy Ambrose, aged 46 years, S/O Late A. V. Ambrose , residing at Anithottathil House Manjoor Po, Kothnalloor, Kottayam 686603, , Kerala
- 19.Mr. Nalan Kunju, aged 54 years, S/O Late K. V. Rajappan , residing at Narayana Vely House Muhamma Po, 688525 Alappuzha Kerala.
- 20.Mr. Nobil K. S, aged 42 years, S/O Sarangadharan, residing at Kollamveli House Muhamma Po, 688525 Alappuzha , Kerala..

21. Mr. Pious C. A, , aged 53 years, S/O Late C. T. Augustine residing at Chanayil house, Poickattussery, Chengamanad PO, 683578 Ernakulam Kerala
22. Mr. Renjan T. D, aged 50 years, S/O Late T. K. Damodharan ., residing at Thottasseril House Muhamma Po, 688525 Alappuzha , Kerala.
23. Mr. K. N. Gopalan, aged 57 years, s/o Nanu Achary residing at Kunnukandam House, Muttar PO Alappuzha 689574 Kerala
24. Jose K. J , aged 57 years S/O Late K m Joseph residing at Kollasserril House, Pallipurathusserry, Vaikom 686606, Kottayam District, Kerala.
25. Sebastian K.M, aged 52 years, S/o Late Mathai, residing at Kariyil House, Kadakarapally PO, Cherthala, Alapuzha, 688529, Kerala.
26. Gopalakrishna Pillai. V. N, aged 63 years, S/O. Gopala Kurup, residing at Karinchatta Kuzhy , Chettikkad MS Po, Pathirapilly, Alapuzha 688521
27. George Devassia, aged 53 years, S/O Late M.P. Devassia residing at Mulackal House, Thycattusserry P.O, Cherthala, Alappuzha 688528, Kerala.
28. Umasankar P.K, aged 50 years, S/O Late Mr. Krishnankutty.S, residing at Padicaparambil House, Thycattussery P.O, Cherthala, Alappuzha 688528, Kerala.

Vs..

**Respondents:**

1. Shri Ravindra Chaturvedi, (Liquidator of Excel Glasses)  
C/o ParekhSha&Lodha, 31E, BKC Centre, Laxmi Industrial Estate, New Link Road, Andheri (W), Mumbai 400 053
- 2) National Company Law Tribunal, Kochi Bench, Office at Kunnumpuram, Vazhakkala, Kochi, Kerala 682021 Represented by it's Registrar/Secretary
- 3) Excel Glasses Ltd., Udayanagar Alappuzha , Malappuram district Pathirappilly P.O 688521 Represented by its Managing Director.

4

- 4) M/s Jain Jagawat Kamdar and Company, Chartered Accountants, Corporate office at 70, New Itwara Rd, Itwara, Ibrahimipura, Peer Gate Area, Bhopal, Madhya Pradesh 462001
- 5) Regional Joint Labour Commissioner, , Regional Joint Labour Commission Office, Kaankathu Mukku, Kollam, Kerala 691013 .
- 6) District Labour Officer, District Labour Office , Thondankulangara, Thathampally, Alappuzha, Kerala 688013.
- 7) State of Kerala represented by it's Chief Secretary to the Government of Kerala, Secretariat, Thiruvananthapuram.695001.
- 8) Excel Glasses Employees Association CITU, represented by it's Secretary Mr. Rajesh Joseph , Kizhakke Chirayil, Amalapuram P.O, Ariyad, Alappuzha 688013
- 9) Excel Glasses Workers Congress (INTUC), represented by it's Secretary Mr. Anil Kumar P G, Puthan thottungal House Pathirapally PO, Alappuzha , 688013
- 10) Excel Glasses Employees Union (AITUC), represented by it's Secretary Mr. S. Prasad, Kandathil house, Nalamadam, Avalu Kunnu PO, Alkappuzha. 688013
- 11)Excel Glasses working Employees Association (BMS) represented by it's Secretary Shri M.S.Sreekumar, Mannam House, Kattukkattil, Near Toddy shop, Alappuzha. 688013
- 12)Excel Glasses Labour Union (UTUC/B) represented by it's Secretary Shri Santosh Kumar, Kamalalyam, Kalavoor PO, Alappuzha688013

( p t o )

OP(C) No.484/2020

Op (civil) praying inter alia that in the circumstances stated in the affidavit filed along with the OP(C) the High Court be pleased to issue a stay order against the Exhibit P7 liquidation process of M/S Excell Glass Company till the disposal of this Original Petition (Civil).

This petition coming on for admission upon perusing the petition and the affidavit filed in support of OP(C) and upon hearing the arguments of M/S K.LATHA & JESSY MANUEL, Advocates for the petitioners, and the learned Government Pleader for R5 to R7, the court passed the following:

ORDER

The learned Government Pleader has takes notice for R5 to R7.  
Issue notice to the other respondents by speed post.  
List as and when the service is complete.  
Till then, there will be an interim stay of further proceedings.  
Pursuant to Ext.P7.

20-02-2020

Sd/- B.SUDHEENDRA KUMAR, JUDGE

/true copy/

  
ASSISTANT REGISTRAR

25/2/20

EXHIBIT P7 - THE TRUE COPY OF THE LIQUIDATION ORDER IN M.A.NO.7/KOB/2019 IN IBA 258/CHENNAI BENCH DATED 21.10.2019 ISSUED BY SECOND RESPONDENT, NCLT, KOCHI BENCH.

Ms/24/2

25/2/2020