

(2020) 01 JH CK 0065

In the Jharkhand High Court

Case No : I.A. No. 629, 896 of 2020, Company Petition No. 01, 02, 04 of 1979 (R)

M/s. Karanpura Mining Corporation

APPELLANT

Vs

M/s. Nalanda Ceramics and Industries Limited

RESPONDENT

Date of Decision : 31-01-2020

Acts Referred:

Citation : (2020) 01 JH CK 0065

Hon'ble Judges : Anubha Rawat Choudhary, J

Bench : Single Bench

Advocate : Himanshu Kr. Mehta, Manjusri Patra, Kislaya Prasad, Sandeep Verma, Sachin Kumar, Ravi Prakash Mishra, Surabhi, A. K. Yadav, Amit Kumar, Manish Kumar

Final Decision : Dismissed

Judgement

1. Learned counsel for the parties are present.

I.A. No. 896 of 2020 in Company Petition No. 01 of 1979 (R)

2. Learned counsel appearing on behalf of Employees Provident Fund Organization submits that one interlocutory application being I.A. No. 896 of 2020 has been filed for condonation of delay of 721 days regarding filing of claim before the Official Liquidator at Ranchi. He submits that the claim has already been filed before the Official Liquidator belatedly. The learned counsel has submitted that the reason for delay regarding filing of claim has been mentioned at Para-7 to 10 to the interlocutory application.

3. The learned counsel appearing on behalf of Official Liquidator does not dispute that the claim of Employees Provident Fund Organization has been filed before the Official Liquidator. She submits that there was delay in filing the claim. She does not have any serious objection to condonation of delay in view of the fact that the distribution has not yet been done.

4. Considering the facts and circumstances of this case, delay in filing the claim before the Official Liquidator by the Employees Provident Fund Organization, is hereby condoned. Accordingly, I.A. No. 896 of 2020 stands disposed of.

I.A. No. 629 of 2020 in Company Petition No. 01 of 1979 (R)

5. Learned counsel appearing on behalf of Auction Purchaser submits that one interlocutory application being I.A. No. 629 of 2020 has been filed for seeking direction upon the Official Liquidator to consider the claim of the Ranchi Industrial Area Development Authority (RIADA) lodged vide letter No. 389 dated 12.03.2015 for a sum of Rs.89,37,940.00 being the first charge holder having pari-passu charge with other secured creditors having charge over the lease hold property allotted by RIADA and further seeking direction that RIADA may be directed to approach the Official Liquidator to complete the formalities in respect of the dues of the erstwhile lessee i.e. Company (In Liquidation) and not to claim the dues of erstwhile lessee i.e. M/s. Nalanda Ceramics & Industries Limited for the period prior to the date of auction from the applicants.

6. Learned counsel for the Official Liquidator submits that the claim has been filed by RIADA and that will be taken care of as per law. He further submits that the claim of RIADA is barred by limitation. However the fact that RIADA has filed claim before the Official Liquidator has been brought to the notice of this court for the first time by filing this interlocutory application.

7. Be that as it may, it appears that the some claim has been filed by RIADA before the Official Liquidator and since the learned counsel for the Official Liquidator has submitted that all the claims which have been filed before the Official Liquidator will be taken care of as per law, therefore, this Court is not inclined to issue any direction to the Official Liquidator pursuant to this interlocutory application.

8. Accordingly, I.A. No. 629 of 2020 is hereby dismissed.

9. Post these cases on 28.02.2020.