

(2012) 01 KAR CK 0295

In the Karnataka High Court

Case No : Company Application No. 487 of 2011 in Company Petition No. 68 of 1997

Sri L. Shivakumar Rag

APPELLANT

Vs

Official Liquidator of M/s. Swede (India) Teltronic Ltd.,
Attached to High Court of Karnataka, 26-27, 12th Floor,
Raheja Towers, M G Road, Bangalore-560001

RESPONDENT

Date of Decision : 05-01-2012

Acts Referred:

Companies Act, 1956 — Section 457 (2) (I)
Company Court Rules, 1959 — Rule 6, 9

Citation : (2012) 01 KAR CK 0295

Hon'ble Judges : B.V. Pinto, J

Bench : Single Bench

Advocate : H. Mangalamba Rao, for the Appellant; V. Jayaram, for the Respondent

Judgement

B.V. Pinto, J.—This application is filed under Section 457(2)(I) of the Companies Act, 1956 r/w. Rules 6 and 9 of Company Court Rules 1959 by the employee of the Company M/s. Swede (India) Teltronics Ltd., which has been wound up by the order of this Court on 21.9.2000 in COP. No. 68/1997. The applicant had preferred a claim of Rs. 2,56,560/- out of which only a sum of Rs. 20,000/- was admitted as preferential and Rs. 1,40,540/- as unsecured ordinary claim and the Official Liquidator has rejected the claim of Rs. 96,020/-. This order of rejection has been challenged in this application. This Court has condoned the delay in filing the application by order dated 01.12.2011. Heard Smt. H. Mangalamba Rao, learned Counsel for the applicant and Sri V. Jayaram, learned Counsel for the respondent - Official Liquidator.

2. Learned Counsel for the Official Liquidator submits that the applicant is not a workman coming within the purview of the definition of the Industrial Disputes Act and hence, he submits that he is not entitled for the claim. It is seen that the Official Liquidator has not given any reason for the rejection of the claim of Rs.

96,020/- made by the applicant. However, the submissions made by the learned Counsel for the Official Liquidator are not made out in the order. Hence, the order rejecting the claim is set aside and the matter is remitted back to the Official Liquidator with a direction to consider the claim of the applicant in so far as rejection of the amount is concerned and to dispose of the matter in accordance with law. Accordingly the application is disposed of.