

DIVISION BENCH

ITEM NO.115

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

**IA No.549/2023, IA No.297/2024, IA No.298/2024, IA No.346/2024, IA No.
347/2024 & IA No. 348/2024 IN CP (IB) No.110/ALD/2017**

CORAM:

- 1. SH. PRAVEEN GUPTA,
HON'BLE MEMBER (JUDICIAL)**
- 2. SH. ASHISH VERMA,
HON'BLE MEMBER (TECHNICAL)**

Date of Order: 10th June, 2026

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	SHREE BHAWANI PAPER MILLS LTD
UNDER SECTION	10 IBC (IN LIQUIDATION)

COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:

- Sh. Abhinay Bhattacharya : *For Applicant in IA No.297/2024*
with Sh. Saurabh Basu, Advs. : *IA No.298/2024, IA No.346/2024, IA No.
347/2024 & IA No. 348/2024*
- Ms. Nibruti Samal, Adv. : *For the Liquidator*
- Sh. Sumesh Dhawan with : *For Res. No.2 in IA No.549/2023*
Ms. Vatsala Kak &
Sh. Sagar Thakkar, Advs.
- Sh. Sunil Kumar Gupta, Adv. : *For the Res. No. 1 EPFO
in IA No 549/2023*

ORDER

IA No.549/2023

1. Ld. Counsel representing the liquidator states that this application has been filed seeking inter-alia of the following prayers:

- i. Allow the present application; and*
- ii. Issue appropriate directions to the Respondent No.1/ Employees Provident Fund Organisation, Regional Office, Lucknow to provide the required undertaking in terms of Regulation 43 of the Liquidation Process Regulations, 2016;*
- iii. Pass an order whether the amounts towards the damages*

-Sd-

-Sd-

claimed by the Respondent No.1 are dues to the Central Government and to be treated under Section 53(1)(e)(i) of the I & B Code, 2016;

2. Ld. Counsel representing the applicant further submits that so far as the prayer clause (ii) as reproduced above is concerned, the same has already been complied with and therefore the said prayer stands satisfied.
3. It is further submitted that in so far as the prayer clause (iii) is concerned, the damages which has been claimed by the Respondent no.1/Employ Provident Fund Organization, are the ancillary claims arising out of the substantial claim of the EPFO and therefore, have to be treated in accordance with the provisions of the Section 53(3)(e)(i) of the I & B Code, 2016.
4. Ld. Counsel representing the applicant therefore, also further submits that so far as the prayer clause (3) is concerned, the damages are to be considered treated under Section 53.
5. Ld. Counsel representing the EPFO on the other hand states that the supplementary affidavit filed by the non-applicant/respondent to the extent that according him, the assessment of the EPFO would fall within Section 36 (4) of the Code.
1. Ld. Counsel representing the liquidator states that she is not in the receipt of the copy of this affidavit.
2. Let the same be supplied within a period of three days with an advance copy to be supplied to the other side.
6. Since the claim has already been put forth by the EPFO, the same will be treated in accordance with provisions of the Section 53.
7. Next date is fixed on 4th August, 2026 for making further submission.

IA No.297/2024, IA No.298/2024

1. This application has been filed inter-alia seeking the following prayer:

It is therefore in the interest of justice this Hon'ble Tribunal may be pleased to direct the corporate debtor to release the amount pending in terms of the residual amount of the salary, interest on gratuity as well as other allowances.

2. Ld. Counsel representing the applicant relies upon an order dated 30th May, 2018, passed by the Ld. Assistant Labour Commissioner, Rai Bareli, whereby the claim of the gratuity of the applicants has been allowed and the communication to that effect was made on the said date to the liquidator so as to comply with the order passed by the Ld. Assistant Labour Commissioner.
3. Ld. Counsel representing the applicant also further refers to a communication dated 27th December, 2022, made to the Tehsildar Sadar Rai Bareli, District Rai Bareli, whereby saying that the liquidation process has been initiated and therefore the claim may be filed in terms of the IBBI Regulation, 2016.
4. Ld. Counsel representing the applicant therefore submits that on the basis of the order dated 30 May, 2018, passed by Ld. Assistant Labour Commissioner, the recovering proceedings has further been undertaken and the Tehsildar has also passed a recovery order.
5. Let the liquidator file a clarificatory affidavit as to the submissions and the claim of the applicant herein in the present application.
6. Let the same be done within a period of two weeks with an advance copy to be supplied to the other side.
7. Let this matter be adjourned for adjourned for hearing on 4th August, 2026.
8. All other applications be also adjourned for the same date.

-Sd-
(Ashish Verma)
Member (Technical)

-Sd-
(Praveen Gupta)
Member (Judicial)

10th June, 2026

Bipul Kumar Tiwari
(Stenographer)