

**IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD**  
**COURT - 2**

ITEM No 239- IA/724(AHM) 2021  
ITEM No 240- IA/812(AHM) 2021  
ITEM No 241- IA/1038(AHM) 2022  
ITEM No 242- IA/228(AHM) 2023  
ITEM No 243- IA/7(AHM) 2022  
In  
CP(IB) 140 of 2020

**Proceedings under Section 7 IBC**

**IN THE MATTER OF:**

OXYZO Financial Services Pvt Ltd  
V/s  
P.Praful & Company Agency (India) Pvt Ltd

.....Applicant

.....Respondent

**Order delivered on ..09/05/2023**

**Coram:**

Mr. Shammi Khan, Hon'ble Member(J)  
Mr. Ajai Das Mehrotra, Hon'ble Member(T)

**PRESENT:**

For the Applicant / RP : Ms. Natasha Shah, Adv.  
: Mr. Kunal Vaishnav, Adv.  
: Mr. Jaimin Dave, Adv.  
For the Respondent : Mr. Tirth Nayak, Adv.  
: Mr. Sumit Parikh for R-4.

**ORDER**

**IA 07 of 2022**

This application is filed by Rashtriya Mazdoor Sangh, representing employees of the Corporate Debtor. Learned Counsel Mr. Jaimin Dave appears for the Resolution Professional (R-1). No one appears for the respondent no.2, State Bank of India. Learned Counsel Mr. Ajay Kumar, who is appearing for Omkara Assets Reconstruction Company Ltd. states that State Bank of India has assigned its debt to Omkara Assets Reconstruction Company Ltd. Cause title of this IA needs to be amended. Applicant is directed to carry out necessary amendments to the IA within one-week. Learned Counsel Mr. Jaimin Dave appears for the Resolution Professional and states that his submissions in this IA are:

- (i) Application is filed by Rashtriya Mazdoor Sangh which do not have any locus standi to file the present application.
- (ii) The workmen and employees were not working as the establishment was closed and therefore, in view of the decision of the Hon'ble Supreme Court

in the case of *Mr. Sunil Kumar Jain & Ors. Vs. Sundresh Bhatt & Ors.*, no amount is payable to the employees of the workers.

- (iii) Only bank account details of Rashtriya Mazdoor Sangh has been provided whereas payment, if any, would have to be made to employees directly.
- (iv) The employees / workers have also approached the Labour Court for which proceedings are pending and matter is sub-judice.

Learned Counsel Mr. Kunal Vaishnav appears for the applicant and states that this application is filed by individual representing the employees / workers of the Corporate Debtor. He further states that their claims are of period prior to CIRP, i.e. prior to 31.12.2020, and of the CIRP period. He further states that workers / employees were never terminated and they had worked as and when called for and therefore, their claim should be admitted and paid.

Learned Counsel Mr. Jaimin Dave for the Resolution Professional states that pre-CIRP claims have been admitted and have been taken care of in the resolution plan to which Learned Counsel for the applicant also agreed, therefore, according to both sides, only issue in this application is regarding payment of claim of the workers / employees during the CIRP period. Both sides are directed to file written submissions not more than five pages with copy of judgements relied upon. Learned Counsel for the Resolution Professional is also directed to provide translated copies of documents on page no.11 to page no.19 of his reply.

List for hearing on 18.05.2023

**IA/724(AHM) 2021, IA/812(AHM) 2021, IA/1038(AHM) 2022, IA/7(AHM) 2022**

Due to paucity of time, matter could not be taken up for hearing.

List the matter on 16.06.2023.

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**AJAI DAS MEHROTRA  
MEMBER (TECHNICAL)**

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**SHAMMI KHAN  
MEMBER (JUDICIAL)**