

NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT – II
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF NATIONAL
COMPANY LAW TRIBUNAL, CHENNAI BENCH, HELD ON 08-04-2024 AT
10.30 A.M. THROUGH VIDEO CONFERENCING:

PRESENT : SHRI. JYOTI KUMAR TRIPATHI, HON'BLE MEMBER (JUDICIAL)
SHRI. RAVICHANDRAN RAMASAMY, HON'BLE MEMBER (TECHNICAL)

APPLICATION NUMBER : IA(IBC)/795(CHE)/2024
PETITION NUMBER : CP(IB)/280(CHE)2018
NAME OF THE APPLICANT : Empee Distilleries Ltd
NAME OF THE RESPONDENT(S) : The Assistant Provident Fund
Commissioner(PDC) &3 Ors
UNDER SECTION : Sec 60(5) of IBC, 2016 r/w Rule 11 of
NCLT rules, 2016

ORDER

Ld. Counsel Mr. Avinash Krishnan Ravi for the Applicant. Ld. Counsel Mr. Arun Dhanapalan for EPFO.

In this case the PF department has made prohibitory order dated 19.03.2024. In this case the Resolution Plan was approved providing for salaries to the employees and workmen, ESI and PF dues to the extent of Rs.6.5 crore and the Applicant has paid the same. Therefore they are not responsible for making any further payment to the PF authorities. The Counsel for EPFO sought time to furnish his response. **Therefore the PF authorities are directed** to maintain status quo and not to take any coercive action of recovery of dues from the Applicant till the matter is adjudicated by this Court.

Applicant also sought certain relief to make the payments from their account without the prohibition and they are willing to provide demand draft to an extent of dues claimed by the EPFO and the same will be provided to the NCLT.

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The Respondent is directed to consider the above plea before 12.04.2024 and allow the Applicant to operate the bank account as well as to allow the receipts in to the bank account without any prohibition.

List the Application for hearing on **03.05.2024**.

-Sd-

RAVICHANDRAN RAMASAMY
Member (Technical)

phk

-Sd-

JYOTI KUMAR TRIPATHI
Member (Judicial)