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LEGAL '*KISSE*' OF LAST WEEK

38th Edition



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INSOLVENCY BANKRUPTCY CODE, 2016

- ✚ **Share of workmen dues shall be kept outside the Liquidation assets and the concerned workmen / Employees shall have to be paid the same, out of such Provident fund, Gratuity Fund, if any available: NCLAT Chennai.**
 - ◆ **Citation:** *Central Board of Trustees Vs. Shri Kumar Rajan & Anr. // Company Appeal (AT) (CH) (INS.) No. 268 of 2021 // NCLAT Chennai // 21.06.2023 // Para 3.*

- ✚ **Dues in respect of Provident fund, and Gratuity Fund has to be paid in full by the Resolution Applicant: NCLAT Chennai.**
 - ◆ **Citation:** *Central Board of Trustees (Supra) // Para 3.*

- ✚ **Landowner cannot take possession of the apartment constructing by CD during the pendency of CIRP: NCLAT Chennai.**
 - ◆ **Citation:** *Michael Meenator Vs. PT Joy // Company Appeal (AT) (CH) (INS.) No. 162 of 2023 // NCLAT Chennai // 19.06.2023 // Page 3 & 5.*

- ✚ **CIRP shall not continue, if CD is struck off from records of ROC and no claim has been received by the RP even after publication: NCLAT Chennai.**
 - ◆ **Citation:** *V. Duraisamy Vs. Jeyapriya Fruits and Vegetables Commission Agent & Ors. // Company Appeal (AT) (CH) (INS.) No. 25 of 2022 // NCLAT Chennai // 23.06.2023 // Para 6.*

- ✚ **Dispute raised after the lapse of 13 months from delivery of the product, without any valid justification, is spurious, hypothetical and illusory defense: NCLAT Chennai.**
 - ◆ **Citation:** *B. V. Gautam Vs. M/s Clarke Energy India Pvt. Ltd. & Anr. // Company Appeal (AT) (CH) (INS.) No. 148 of 2022 // NCLAT Chennai // 19.06.2023 // Para 21.*



COMPANIES ACT, 2013

✚ **Allotment of the additional share to one group of shareholder is not an oppressive act when the other group of Shareholder had refuse to apply: Supreme Court**

◆ **Citation:** *Hasmukhlal Madhavlal Patel and Ors. Vs. Ambika Food Products Pvt. Ltd and Ors. // Civil Appeal No. 8194 & 8195 of 2018 // Supreme Court // 15.06.2023 // Para 40-46.*

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