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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 6238/2019
MODI SPINNING AND WEAVING MILLS COMPANY
LTD.Petitioner

Through: Mr. Nikhil Singhvi and Mr.
Parth Aggarwal, Advs.
Ms. Mahjabeen, Court
Commissioner.

versus

UNION OF INDIA AND ORS.Respondents

Through: Mr. Rakesh Kumar, CGSC with
Mr. Sunil and Mr. Abhishek
Khanna, Advs. for UOI.
Ms. Jayashree Shukla
Dasgupta, Mr. Nilesh Kumar,
Ms. Rishika Ahuja and Mr.
Arihant, Advs. for R-4 & R-7.
Mr. R. Rangarajan, Adv. for R-
5 & R-6.
Ms. Supriya R. Pandey, Adv.
for R-14.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

ORDER

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26.09.2024

CM APPL. 20517/2024

1. This application has been filed under Section 151 of the Code of Civil Procedure, 1908 seeking modification of paragraphs 5.1, 14 and 15 of the order dated 05.02.2024 passed by this Court. The said paragraphs read as under:-



“5.1 It is Mr Singhvi’s contention that insofar as workers are concerned, they are required to be paid approximately Rs. 83 crores whereas, unsecured creditors/ “pressing creditors” have to be paid about Rs. 1.56 crores.

14. Meanwhile, Ms Mahjabeen will convene a meeting of the aforementioned classes of creditors which remain unpaid i.e., workers and unsecured creditors/ “pressing creditors”.

14.1 In case amounts are disbursed, a report in that behalf will be filed by Ms. Mahjabeen.

15. In furtherance of this exercise, Ms Mahjabeen will have liberty to issue public notices through newspapers having wide circulation.”

2. Learned counsel for the applicant points out that the statement on the dues of the workers has been incorrectly recorded in paragraph 5.1 of the above order in as much as the dues owed to the workers would be around Rs. 66.50 lakhs.

3. As this was only a statement of the counsel having been recorded in paragraph 5.1, the same is accordingly corrected and shall now read as under:-

“5.1 It is Mr Singhvi’s contention that insofar as workers are concerned, they are required to be paid approximately Rs. 66.50 lakhs whereas, unsecured creditors/ “pressing creditors” have to be paid about Rs. 1.56 crores.

4. As far as paragraph nos. 14 and 15 are concerned, the learned counsel for the applicant submits that for the workers, this Court has already passed orders dated 30.08.2022 and 26.04.2023 whereby, the amount owed to the workers has been deposited in the form of a Fixed Deposit by the petitioner. He submits that previously, various efforts were made to obtain the particulars of the workers and therefore, it would not be required to take a fresh exercise of issuing notices or convening a meeting of the workers for the disbursement of this



amount. He submits that the learned facilitator Ms. Mahjabeen, Advocate was appointed only to look into the interest of the “pressing creditors”.

5. Having heard the learned counsel for the applicant, paragraph 14 is modified to the extent that Ms. Mahjabeen will convene a meeting of the “pressing creditors”, only who remain to be unpaid.

6. As far as paragraph 15 of the order dated 05.02.2024 is concerned, this Court had given liberty to the learned facilitator to issue public notices, through newspapers having wide circulation, for the meeting. Learned counsel for the applicant submits that the public notices to be issued would be an expensive exercise. He submits that earlier also, notices were issued on 19.07.2023 and 19.08.2023.

7. In order to curtail further cost being incurred and to meet the requirement of issuing a notice to the pressing creditors, we direct that the public notices be issued in the newspapers though not giving complete details of the “pressing creditors” instead particulars of a website page where all details of the creditors along with amount due as crystallised in the scheme can be found, be published in the notice.

8. Accordingly, paragraph 15 stands modified to this extent.

9. We may herein also note that the learned counsel for the respondent no. 14 has submitted that the contention of Ms. Dasgupta that the entire dues of Municipal Corporation, Modinagar stands settled is incorrect. This issue, in any case, is subject matter of IA No. 10800/2024 and shall be taken up while considering the said application.

10. The application is disposed of in the above terms.



CM APPL. 10800/2021- ON B/O R-4 FOR QUASHING SET ASIDE THE DEMAND NOTICE DT. 30.09.2020 & RC. DT. 31.10.2020

CM APPL. 20685/2021- ON B/O R-4 FOR APPROPRIATE DIRECTIONS IN CM NO. 10800/2021

CM APPL. 33895/2021- U/S 340 CR.P.C. ON B/O R-14

CM APPL. 34574/2021-U/S 151 CPC BY R-4 FOR NECESSARY DIRECTIONS TO SDM & SHO MODINAGAR

CM APPL. 45975/2023-U/S 151 CPC BY PETR. FOR NECESSARY DIRECTIONS QUA IMPLEMENTATION OF THE SANCTIONED SCHEME

CM APPL. 59526/2023- U/S 151 CPC BY PETR. FOR MODIFICATION OF ORDER DT. 26.04.2023

11. List on 28th January, 2025.

NAVIN CHAWLA, J

SHALINDER KAUR, J

SEPTEMBER 26, 2024/ss

Click here to check corrigendum, if any