

**Court No. - 77**

**Case :-** APPLICATION U/S 482 No. - 53 of 2024

**Applicant :-** Sujit Kumar Pandey

**Opposite Party :-** State Of Up Others

**Counsel for Applicant :-** Hari Nath Chaubey

**Counsel for Opposite Party :-** Anil Kumar Ray,G.A.

**Hon'ble Arun Kumar Singh Deshwal,J.**

1. Heard Sri Hari Nath Chaubey, learned counsel for the applicant, Sri Anil Kumar Ray, learned counsel for the opposite party no. 2 and learned A.G.A. for the State.

2. The present 482 Cr.P.C. application has been filed to quash the entire proceeding of Company's Complaint Case No. 1447 of 2022 (Hindalco Industries Ltd. Vs. Sujit Kumar Pandey) u/s 452 of Companies Act, 2013 (Erstwhile Section 630 of Companies Act, 1956), Police Station- Pipri, District- Sonbhadra including the impugned summoning order dated 13.12.2022 pending in the court of Special Chief Judicial Magistrate, Allahabad.

3. This matter was heard on 21.11.2024. On that date, learned counsel for the opposite party no. 2 has submitted that the retiral benefits of the applicant could not be disbursed for the reason that the applicant had not vacated the quarter of the company. Therefore, this Court vide order dated 21.11.2024 directed the applicant to vacate the quarter of the company just to show his bonafide with further direction to opposite party no. 2 with the consent of counsel for opposite party no. 2 to take lenient view in releasing the retiral due of applicant.

4. Learned counsel for the applicant has submitted that

the applicant has vacated the quarter of the company on 10.12.2024.

5. This fact is not disputed by learned counsel for the opposite party no. 2. However, learned counsel for the opposite party no. 2 relied on the calculation at page 11 of the supplementary counter affidavit dated 27.04.2024 and has submitted that after adjusting the electric charges, maintenance charges and damage charges, outstanding of the company is due against the applicant after adjusting the dues of the applicant. On perusal at page 11 of the supplementary counter affidavit, it appears that the company had determined the total retiral benefits of the applicant as Rs.1,54,914/- but while calculating the dues of the company, electric charges from 01.04.2018 to 31.12.2020 is Rs.10,100/-, house maintenance charges from 01.09.2017 to 16.02.2024 is Rs.2,730/- and damage charges from 16.10.2018 to 16.02.2024 is Rs.5,25,600/-.

6. This Court is of the view that though the company is entitled to deduct electric charges of Rs.10,100/- as well as house maintenance charges of Rs.2,730/- but damage charges is not required to be deducted from the retiral benefits of the labourer who was the ex-employee of the company merely because he did not vacate the company's quarter.

7. However, considering the fact that the applicant is retired employee of the company, this Court directs the company to calculate the entire retiral benefits and release the same to the applicant within a period of one month from today after deducting electric charges for the period from 01.04.2018 to 31.12.2020 and house maintenance charges for the period from 01.09.2017 to

16.02.2024.

8. In view of the above, with the consent of the parties, the proceeding of Company's Complaint Case No. 1447 of 2022 (Hindalco Industries Ltd. Vs. Sujit Kumar Pandey) u/s 452 of Companies Act, 2013 (Erstwhile Section 630 of Companies Act, 1956), Police Station- Pipri, District- Sonbhadra including the impugned summoning order dated 13.12.2022 pending in the court of Special Chief Judicial Magistrate, Allahabad, is hereby quashed.

9. With the aforesaid observation, the application is **allowed**.

**Order Date :- 24.1.2025**  
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