

ITEM NO.50

COURT NO.6

SECTION XVI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petitions for Special Leave to Appeal (C) No(s). 21527-21528/2026

[Arising out of impugned final judgment and order dated 11-05-2026 in APOT No. 79/2026 & APOT No. 316/2023 passed by the High Court at Calcutta]

SHIVA SHAKTI SECURITY SERVICES

Petitioner(s)

VERSUS

OFFICIAL LIQUIDATOR & ORS. ETC.

Respondent(s)

(IA No. 176846/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT & IA No. 180142/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 04-08-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :

Ms. Urmila Chakraborty, Adv.
Mr. Arindam Paul, Adv.
Ms. Debarati Das, Adv.
Mr. Sourabh Tandon, Adv.
Ms. Sohini Choudhury, Adv.
Ms. Eshika Nandy, Adv.
Mr. Sujato P. Ghosh, Adv.
Ms. Vanya Gupta, AOR

For Respondent(s) :

Mr. Sougat Sinha, AOR
Ms. R. Gayathri Manasa, Adv.
Mr. Navneet Kumar, Adv.

Mr. Siddharth Sangal, AOR
Ms. Richa Mishra, Adv.
Ms. Mrinalini Tandon, Adv.
Ms. Kashish Tewatia, Adv.

Mr. Shouryabrata Mandal, AOR
Mr. Orijit Dalmia, Adv.
Ms. Swati Dalmia, Adv.
Mr. Shubham Raj, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The petitioner before us is a provider of security services. The petitioner was engaged by the official liquidator to guard, protect and preserve the assets and properties of the company after the company was ordered to be wound up.
2. It is the case of the petitioner that having rendered such services continuously for several years and raised invoices from time to time, the State Bank of India, as one of the secured creditors, should make the necessary payment towards the services rendered by the petitioner.
3. The High Court, while dismissing both the appeals preferred by the petitioner, has observed in para 27 as under:
"Section 529 the Companies Act; 1956 does not assist the appellant. Appellant can make its claim before the NCLT. Pendency of the claim of the appellant, or its alleged non-payment does not qualify to hold that, the company petition attend a irreversible stage warranting the Company Court not to transfer the winding up petition to the NCLT."
4. Thus, the High Court has taken the view that Section 529 of the Companies Act would not come to the aid of the petitioner before us, however, the petitioner should put forward its claim before the NCLT.
5. We are informed that over a period of time, the matter has now reached the stage of CIRP before the NCLT. It shall be open for the petitioner to join the proceedings before the NCLT and put forward its claim.
6. With the aforesaid, this petition stands disposed of.
7. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
DEPUTY REGISTRAR

(POOJA SHARMA)
COURT MASTER (NSH)