

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/SPECIAL CIVIL APPLICATION NO. 10607 of 2024**  
**With**  
**R/SPECIAL CIVIL APPLICATION NO. 10682 of 2024**  
**With**  
**R/SPECIAL CIVIL APPLICATION NO. 10690 of 2024**  
**With**  
**R/SPECIAL CIVIL APPLICATION NO. 10716 of 2024**  
**With**  
**R/SPECIAL CIVIL APPLICATION NO. 10726 of 2024**  
**With**  
**R/SPECIAL CIVIL APPLICATION NO. 10733 of 2024**  
**With**  
**R/SPECIAL CIVIL APPLICATION NO. 10766 of 2024**  
**With**  
**R/SPECIAL CIVIL APPLICATION NO. 10830 of 2024**  
**With**  
**R/SPECIAL CIVIL APPLICATION NO. 10838 of 2024**  
**With**  
**R/SPECIAL CIVIL APPLICATION NO. 10895 of 2024**  
**With**  
**R/SPECIAL CIVIL APPLICATION NO. 10923 of 2024**  
**With**  
**R/SPECIAL CIVIL APPLICATION NO. 10959 of 2024**

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**JM FINANCIAL ASSET RECONSTRUCTION COMPANY LIMITED**  
**THROUGH AUTHORIZED OFFICER**

**Versus**

**CONTROLLING AUTHORITY UNDER PAYMENT AND GRATUITY ACT**  
**1972 & ORS.**

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**Appearance:**

**MR GAUTAM JOSHI, SENIOR ADVOCATE WITH MR ANIP A**  
**GANDHI(2268) for the Petitioner(s) No. 1**  
**for the Respondent(s) No. 1,2,3,4,5**

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**CORAM: HONOURABLE MR. JUSTICE HEMANT M.**  
**PRACHCHAK**

**Date : 29/07/2024**  
**COMMON ORAL ORDER**

1. Heard learned senior advocate Mr.Gautam Joshi assisted

by learned advocate Mr.Anip Gandhi, appearing on behalf of the petitioner.

2. Learned senior advocate Mr.Joshi has submitted that the petitioner is the secured creditor so far as the respondent Company is concerned and they have paid all the dues of the secured creditor by way of entering into a settlement of the outstanding dues and copy of the settlement is placed on record by way of Additional Affidavit and in view of 'No Due Certificate' dated 12.10.2021 issued by the present petitioner at page 81 of the compilation, their liability to satisfy the claim of the respondent gets over and in view of the provisions of Section 7(7) of the Payment of Gratuity Act, 1972, they are not the employer and no liability towards any dues of the workman is to be fasten upon the petitioner Finance Company being a secured creditor.

3. Considering the submissions made on behalf of the learned senior advocate Mr.Joshi, the matters require consideration. Hence, **RULE**. Ad-interim relief in terms of paragraph 8(C) is granted.

**(HEMANT M. PRACHCHAK,J)**

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