

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 326 of 2017

IN THE MATTER OF:

Manish Jain

...Appellant

Vs

Central Bank of India & Anr.

....Respondents

Present:

For Appellant: Mr. Arvind Kumar Gupta and Ms. Heena George, Advocates.

**For Respondents: Mr. Jaswinder Singh, Advocate for R-1.
Mr. Abhishek Anand and Mr. Anant A. Pavgi, Advocates for R-2.**

O R D E R

16.02.2018: From the inter-se agreement between the State Bank of India, Union Bank, Axis Bank Limited, Standard Chartered Bank, ICICI Bank Limited, Oriental Bank of Commerce, Central Bank of India, Indian Overseas Bank, Syndicate Bank, State Bank of Patiala and Allahabad Bank of the Joint Lenders Forum, it appears that in respect of NCML Industries Ltd. all the banks have agreed and executed power of attorney/ other authorization in favour of the Lead Bank i.e. State Bank of India to take decision for and on behalf of the Consortium and communicate the same in general interest of the SBI Consortium.

The members of the SBI consortium agreed to confirm acts, deeds and things lawfully and bonafide done and taken by the Lead Bank. It further appears that SBI Consortium has been allowed to act in the accordance with the directions and instructions given by the Lead Bank with regard to monitoring of the cash credit accounts and other accounts of the Corporate Debtor. In the circumstance, the question arises for consideration is whether without annulling the power of attorney/ authorization letter in favour of State Bank of India, one of the member of consortium (Central Bank of India in this case) can file application under section 7 instantly in general interest of the banks including State Bank of India?

Respondents have already appeared and filed reply. Rejoinder has also been filed. Pleading is complete. Post the matter on **20th February, 2018** when similar matter in Company Appeal (AT)(Insolvency) 24 of 2018 is likely to be listed.

(Justice S. J. Mukhopadhaya)
Chairperson

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