

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 325 of 2017

IN THE MATTER OF:

Hada Textile Industries Limited

...Appellant

Vs.

Commercial Taxes, Kolkata & Ors.

...Respondents

Present:

**For Appellant: - Mr. Arun Kathpalia, Senior Advocate assisted by
 Ms. Misha, Mr. Surjendu Das, Mr. Vijayant
 Paliwal, Ms. Srishti Khare and Ms. Shachi Punani,
 Advocates**

For Respondents: Ms. Madhumita Bhattacharjee, Advocate

O R D E R

20.02.2018— The present appeal has been preferred by the appellant under Section 61 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as the “I & B Code”).

It appears that an application has been preferred by the Corporate Applicant before the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench, Kolkata for extension of time period of the scheme. Referring to the Central Government Notification dated 24th May, 2017 issued by the Ministry of Corporate Affairs, learned counsel submits that the Central Government has no jurisdiction to amend the I & B Code, particularly in respect of Sick Industrial Companies (Special Provisions) Act, 1985.

We have already raised doubt about the jurisdiction of the Central Government to amend an Act passed by the Parliament.

Learned counsel appearing on behalf of the respondent – Commercial Taxes prays for some time to address on this issue. In the facts and the circumstances of the case, we are of the view that the Union of India, through the Secretary, Ministry of Corporate Affairs, 5th Floor, 'A' Wing, Shastri Bhawan, Dr. R.P. Road, New Delhi should be impleaded as party Respondent No. 16. We order accordingly.

Let notice be issued on the newly impleaded Respondent No. 16 by Speed Post along with copy of this order. Dasti service is permitted. The appellant may serve a copy of this order along with notice, to be taken from the Registry, on Mr. Amardeep Singh Bhatia, Joint Secretary, Ministry of Corporate Affairs, 5th Floor, 'A' Wing, Shastri Bhawan, Dr. R.P. Road, New Delhi, under whose signature notification has been issued.

Post the matter on 7th March, 2018.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

ns/uk