

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 94 of 2018

IN THE MATTER OF:

Sahara Q Shop Unique Products Range Ltd.

...Appellant

Vs.

S. Gurumoorthi

...Respondent

Present: For Appellant: - Mr. Amit S.Chadha, Sr. Advocate and Mr. Saurabh Jain and Ms. Neha Gupta, Advocates

For Respondent:-Mr. Divyanshu Sahay, Advocate for R-1

O R D E R

11.07.2018— Learned Counsel for the appellant submits that Sahara Group of Companies has been prohibited by Hon'ble Supreme Court to pay any amount to any person. It is informed that the Sahara Group of Companies sought permission as back as in the year 2015 in I.A.No. 59-61/2015 in a Contempt Petition No. 412 of 2012 to clear the dues of unpaid salaries of employees which were disallowed by the Hon'ble Supreme Court. Therefore, according to them the appellant, being one of the Sahara Group of Companies cannot pay any amount even to the operational creditor. It was submitted that in view of the order of the Hon'ble Supreme Court, it cannot be held that there is a default on their part of the appellant. In absence of such default the petition under Section 9 was not maintainable.

Learned Counsel appearing on behalf of the respondent submits that the impugned order dated 15th December 2017 has been corrected by the Tribunal, a copy of which will be produced on the next date. He, however,

submitted that order passed by Hon'ble Supreme Court in the case of another Sahara Group of Companies, and not related to appellant Sahara Q Shop Unique Products Range Ltd. (Corporate Debtor herein).

In the aforesaid circumstances, we allow the parties time to produce the corrected copy of the order passed by the Adjudicating Authority and to address the issue on the next date for final disposal.

Post the matter for admission on 31st July 2018.

In the meantime, the respondent may file reply within 10 days. Rejoinder, if any, may be filed by appellant within 5 days thereof.

Interim Order passed on 16th March, 2018 shall continue.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

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