

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeals (AT) (Ins) No. 9 of 2017

IN THE MATTER OF:

J.K. Jute Mills Company Ltd

...Appellants

Vs

M/s Surendra Trading Company.

...Respondents

Present: Shri Virendra Ganda, Senior Advocate with Mr. Arvind Kumar and Mr Abhijeet Sinha, Advocates for appellants.

Mr. Ramesh Singh with Ms Bhawna Chopra Rustagi, Advocates for Respondent No.1

Mr. Ashok Kumar Jain with Mr. Sahil Dhawan, Advocates for Respondent No.2.

Mr. Pramit Kumar Ray, Sr. Advocate with Mr. Atanu Mukherjee, Advocate for Ghanjhyah Sardha, Intervenor.

Mr. Sachin Datta, Sr. Advocate with Mr. Shakil Ahmed, Advocate for Libra Retailers Pvt Ltd.

ORDER

21.03.2017- Let notice be issued to the Respondents as to why in the facts and circumstances of the case the question of maintainability of the Insolvency petition after the completion of statutory period, be not decided by this Appellate Tribunal. Shri Ramesh Singh, Advocate accepts notice on behalf of the 1st Respondent. No further notice be issued on it. Appellants will serve a copy of the paper book on the Counsel for the 1st Respondent in course of day.

Though the workmen of the appellants company are not the necessary party at this stage but to provide opportunity and as they have been impleaded as 2nd Respondent, We also issue notice on 2nd Respondent. Shri Ashok Kumar Jain, Advocate, appears and accepts notice on behalf of 2nd Respondent. No further notice be issued to them. Appellants will serve a copy of the paper book on the Learned Counsel for the 2nd Respondent in course of day.

As the question of the law is involved in this case, it is not necessary to give opportunity to the parties to file any affidavit. Parties may refer to the provisions of Law and the orders passed by the National Company Law Tribunal.

Post the matter on 24th March, 2017.

Pendency of this appeal will not come in the way of National Company Law Tribunal to decide the question of maintainability. However, the Tribunal will not admit the case.

(Justice S.J. Mukhopadhaya)
Chairperson

(Mr. Balvinder Singh)
Member (Technical)