

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 258 of 2017

IN THE MATTER OF :

GMB Ceramics Ltd.

... Appellant

Versus

Spartek Ceramics India Ltd. & Ors.

... Respondents

Present: For Appellant : Shri Abhishek Kumar, Advocate

O R D E R

06.11.2017 This appeal has been preferred by the appellant against an order passed by the Board for Industrial and Financial Reconstruction (BIFR). Learned counsel for the appellant submits that by removal of defect(s), the Central Government has allowed to file the appeal before the National Company Law Appellate Tribunal (hereinafter referred to as 'Appellate Tribunal'). However, we doubt the power of the Central Government to issue any guideline or rule empowering the Appellate Tribunal to decide an appeal against an order passed by the BIFR.

In the circumstances, we allow the appellant to implead the 'Government of India' through the Secretary, Ministry of Corporate Affairs, 'A' Wing, Dr. Rajendra Prasad Road, Shastri Bhawan, New Delhi, as '3rd Respondent'. Necessary correction in the cause-title be made by tomorrow i.e. 7th November, 2017.

...2/-

Let Notice be issued on the newly impleaded 3rd Respondent i.e. Government of India, by Speed Post, to state as to how the Central Government can delegate the power to this Appellate Tribunal to hear one or other appeal, if not empowered by the Legislature, as provided under the Companies Act, 2013 (under Section 421), the Insolvency and Bankruptcy Code, 2016 (under Section 61) and the Competition Act, 2002 (under Section 53-B). Requisites along with process fees be filed by 8th November, 2017. '*Dasti*' service is also permitted.

The office will also intimate the concerned officer of the Department by Speed Post and through e-mail, if available.

Post the matter on 17th November, 2017.

[Justice S.J. Mukhopadhyaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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