

National Company Law Appellate Tribunal, New Delhi

Company Appeal (AT) (Ins) No. 933 of 2020

IN THE MATTER OF:

Mukund Chandak & Ors.

...Appellants

Vs.

Sumit Binani

...Respondent

Present:

**For Appellants: Mr. Akshat Singh and Mr. Dacchita Shahi,
Advocates.**

**For Respondent: Mr. Sumit Bihari, Liquidator.
Mr. Krishnaraj Thaker, Advocate for R-1.
Ms. Sreenita Ghosh, Advocate.
Mr. Ajay Gaggar, for (State Bank of India).**

ORDER

(Through Virtual Mode)

28.10.2020: Heard the Learned Counsel for the Appellant, Mr. Akshat Singh, and also Learned Counsel for Respondent, Mr. Ajay Gaggar. Learned Counsel for the Appellant submits that the Hon'ble Supreme Court in Civil Appeal No. 9664/2019, **Arun Kumar Jagatramka Versus Jindal Steel & Power Ltd. & Anr.** While hearing the Application IA No. 197409/2019 on 24.02.2020, passed the order which is as under:

“ Issue Notice, returnable on 23.03.2020.

*In the meantime, proceedings may go on only and sales,
if any, will not be confirmed.”*

Learned Counsel for the Appellant submits that Learned National Company Law Tribunal, Kolkata Bench, Kolkata, while hearing the Application, IA(IB) No. 865/KB/2020 passed the impugned order on 25th September, 2020 operative portion is as under:-

“We direct the Liquidator to complete the process of liquidation of the Corporate Debtor and pay dues of all stakeholders according to their proportion including the workers.”

Learned Counsel submits that it seems that the impugned order is passed over looking to the above referred order dated 24.02.2020 passed by the Hon’ble Supreme Court. Therefore, it be set a side.

We are not expressing any view in regard to the impugned order dated 25.09.2020 passed by the Learned Tribunal Kolkata Bench/Kolkata, However, if Learned Tribunal considers that the impugned Order is not in conformity with the order passed by Hon’ble Supreme Court which is referred above then the Tribunal should recall the impugned order and pass appropriate orders in conformity with the order passed by the Hon’ble Supreme Court.

Thus the Appeal is disposed of with the aforesaid direction. It is made clear that we have not gone into the merit of the impugned order. No order as to costs.

Registry is directed to send the copy of the order to concern Tribunal forthwith.

[Justice Jarat Kumar Jain]
Member (Judicial)

[Dr. Ashok Kumar Mishra]
Member (Technical)

sr/nn

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