

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

COMPANY APPEAL (AT)(INSOLVENCY) NO.219 OF 2021

In the matter of

Gautam Mittal
Resolution Professional
Sanwaria Consumer Ltd
Vs

Appellant

MP Warehousing and Logistics Corporation

Respondent

Present:

Mr. Abhishek Garg, Mr.Gautam Mittal, RP in person for appellant.

ORDER
(Through Virtual Mode)

23.03.2021- I.A. No.15/2021 filed by Resolution Professional under Section 60(5) of the I&B Code for recovery of amount due on account of lease rent was turned down by the Adjudicating Authority, National Company Law Tribunal, Indore Bench at Ahmedabad, Court 1 in terms of impugned order dated 5th February, 2021.

Feeling aggrieved thereof the appellant has preferred the instant appeal and submitted that the Adjudicating Authority has not considered the merits of the matter.

After hearing learned counsel for the appellant we find no reason to take a view different from the one taken by the Adjudicating Authority. The amount claimed as arrears of lease rent due has nothing to do with

2.

CIRP of the Respondent/Corporate Debtor. Appellant said to be in the business of leasing out its godowns, may be entitled to recover the arrears of lease rental from the Respondent but Adjudicating Authority is not the recovery forum. We find no merit in the appeal. The appeal is accordingly dismissed. However, the dismissal of this appeal will not in any manner affect the rights of the appellant to recover the lease rental from Respondent in accordance with law.

(Justice Bansi Lal Bhat)
Acting Chairperson

(Dr. Ashok Kumar Mishra)
Member (Technical)

Bm/gm