

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 151 of 2019

IN THE MATTER OF:

Asset Reconstruction Company (India) Ltd.

...Appellant

Vs

GPT Steel Industries Ltd.

....Respondent

Present:

For Appellant: Mr. Dinkar Singh, Advocate.

For Respondent:

ORDER

15.02.2019: Learned counsel for the Appellant submits that application of Appellant – Financial Creditor under Section 7 of the I&B Code is pending consideration before the Adjudicating Authority (National Company Law Tribunal), Ahmedabad Bench, Ahmedabad at the pre-admission stage since 1st March, 2018 and the matter has been adjourned time and again.

2. From the perusal of impugned order it appears that both the parties are represented before the Adjudicating Authority and the matter has been adjourned at the request of the learned counsel for the Respondent- Corporate Debtor to 18th February, 2019.

3. I am dismayed to notice that a limited enquiry has been converted into a full dressed trial. Pre-admission proceedings cannot be permitted to protract. This Appellate Tribunal has observed in a recent judgment that Corporate Insolvency Resolution Process is not a recovery proceeding and the Adjudicating Authority has to strictly adhere to the rules of procedure and the timelines set out in the I&B Code. The Adjudicating Authority should be alive to the object sought to be achieved by the I&B Code and ensure that all efforts to derail the process are frustrated.

4. After hearing learned counsel for Appellant for a while I am of the opinion that this appeal can be disposed of at the very threshold stage by directing the Adjudicating Authority (National Company Law Tribunal), Ahmedabad Bench Ahmedabad to expedite the disposal of application under Section 7 of the I&B Code and pass an appropriate order preferably within two weeks failing which this Appellate Tribunal may send for the record of Adjudicating Authority and pass appropriate order.
5. A copy of this order be provided to learned counsel for the Appellant for placing the same before the Adjudicating Authority.
6. The appeal stands disposed of with aforesaid observations and directions.

[Justice Bansi Lal Bhat]
Member (Judicial)

am/sk