

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

**Company Appeal (AT) No. 346 of 2018 &
I.A. No. 2009, 2010, 2011 & 2012 of 2019**

IN THE MATTER OF:

Union of India ...Appellant

Vs.

Infrastructure Leasing & Financial
Services Ltd. & Ors.Respondents

With

Company Appeal (AT) No. 347 of 2018

IN THE MATTER OF:

Infrastructure Leasing and
Financial Services Ltd. ...Appellant

Vs.

Union of India & Ors. ...Respondents

Present:

For Appellant: Mr. Ramji Srinivasan, Sr. Advocate with Mr. Raunak Dhillon,
Mr. Vikash Kumar Jha, Mr. Karan Khanna, Ms. Sylona
Mohapatra and Mr. Nikhil Ramdev, Advocates

For Respondents: Mr. Gaurav Juneja, Mr. Aditya Ganju, Ms. Pritika Malhotra,
Advocates for ONGC

Ms. Anushka Sharda and Ms. Smriti Nair, Advocates for
Zuari Industries and Paradeep Phosphates Provident Fund

Mr. Sanjay Kapur and Mr. Bharath, Advocates for SBI

Mr. Manish Paliwal, Mr. Vikash Kumar and Ms. Kritika
Srivastava, Advocates for BEL

Mr. Aditya Verma, Mr. Ankit Vijaywargiya and Mr. Shrey
Patnaik, Advocates for IRCON EPFC Trust & Medical Trust

Mr. Himansu and Mr. Ajitesh Soni, Advocates for Maha
Cement, 63 moons, SBI General Insurance Ultra Tech
Cements Ltd. & Great Eastern Shipping Company Ltd.

Mr. Syed Asalam Abib, Mr. Anshuman Gupta and
Mr. Prateek Khaitan, Advocates for Jammu & Kashmir Bank.

Mr. Aditya Verma and Mr. Shrey Patnaik, Advocates for Coastal Marine Construction Engineering Pvt. Ltd.

ORDER

14.08.2019: Learned counsel for ILFS submits that the Board of Directors may be allowed to sell or alienate the movable properties with regard to 82 Red Entities to keep them as a going concern. However, we are not expressing any opinion with regard to Red Entities which are going concern. If any movable asset is required to be sold/ transferred, it will be open to the Board of Directors for taking permission of Hon'ble Justice Shri D.K. Jain, Former Judge of Supreme Court, as observed on 08.08.2019. We make it clear that the Interim Order passed on 08.08.2019 will not come in the way of Red Entities to pay salary of its Employees/ Workman, Officers and Operational creditors to keep the Red Entities going concern.

We have heard Mr. Ramji Srinivasan, learned senior counsel for ILFS and Mr. Gaurav Juneja, Advocate for ONGC Mangalore Petrochemicals Ltd. So far as the prayer made by ILFS counsel in I.A. No. 2009, 2010, 2011 & 2012 of 2019 is concerned, ILFS/ Board of Directors are given liberty to bring the same before Hon'ble Justice Shri D.K. Jain, who may pass appropriate order after hearing ONGC and others who are party to the agreement. If notice is given by Hon'ble Justice Shri D.K. Jain to any of the aforesaid organizations including ONGC etc., they will reply to such notice, failing it will amount to the disobedience of the order of this Appellate Tribunal I.A. No. 2009, 2010, 2011 & 2012 of 2019 stands disposed of.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansilal Bhat]
Member (Judicial)

sa/gc