

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.2180 OF 2020

ANHUI TECHNOLOGIES IMP. & EXP. CO. LTD. APPELLANT(S)

VERSUS

SUMAN CHAKRABORTY & ANR. RESPONDENT(S)

O R D E R

The grievance in this appeal - against the order of the National Company Law Appellate Tribunal (NCLAT) is that it set aside the order of admission by the National Company Law Tribunal (NCLT), of the appellant's application under Section 9 of the Insolvency and Bankruptcy Code. NCLT by its order noted all facts especially the circumstance that the respondent company had offered to satisfy the debt owing to the present appellants in a time bound manner. However, the NCLAT without elaborately discussing these aspects set aside the order of admission.

It has transpired - during the pendency of the present proceedings that another order has been made by the NCLT - on 26.11.2020 in Insolvency Company Petition No.IB-923-ND-2020, initiating insolvency proceedings. In these circumstances, this Court is of the opinion that

the claims of the present appellant may, if so advised, may be pressed before the Corporate Insolvency Resolution Professional (CIRP); in accordance with law. The CIRP would independently deal with it having regard to the concerned provision of law. The present order does not reflect this Court's view on the merits of the claim; they are kept open.

The appeal is disposed of accordingly alongwith the intervention application.

.....J.
(S. RAVINDRA BHAT)

.....J.
(SUDHANSHU DHULIA)

New Delhi;
September 30, 2022

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).2180/2020

ANHUI TECHNOLOGIES IMP AND EXP CO. LTD.

Appellant(s)

VERSUS

SUMAN CHAKRABORTY & ANR.

Respondent(s)

(IA No.45894/2020 - EX-PARTE STAY, IA No.95132/2020 - EXEMPTION,
FROM FILING AFFIDAVIT, IA No.95131/2020 - INTERVENTION APPLICATION,
IA No.132738/2021 - PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS)

Date : 30-09-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE SUDHANSHU DHULIAFor Appellant(s) Mr. Anant Vijay Palli, Adv.
Mr. Nikhil Palli, Adv.
Ms. Kunain Fatma, Adv.
Mr. Anupam Raina, AOR

For Respondent(s) Mr. Rameshwar Prasad Goyal, AOR

Mr. Sudhir Naagar, AOR
Mr. Vikrant Mehta, Adv.
Mr. Digvijay Chaudhary, Adv.
Mr. Arun Nagar, Adv.Mr. Vikramaditya Singh, AOR
Mr. Shreyank Tiwari, Adv.UPON hearing the counsel the Court made the following
O R D E R

The appeal is disposed of in terms of the signed order.

Pending application(s) alongwith the intervention application,
if any, stands disposed of.(ARJUN BISHT)
COURT MASTER (SH)(RENU BALA GAMBHIR)
COURT MASTER (NSH)

(signed order is placed on the file)

