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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 13th January, 2021.

+ **W.P.(C) 474/2021 & CM APPL. 1227/2021**

SKILLSTECH SERVICES PRIVATE LIMITED Petitioner
Through: Mr. Swaroop George, Advocate
(M-9871144284)

versus

REGISTRAR, NATIONAL COMPANY LAW TRIBUNAL, NEW
DELHI & ANR. Respondents
Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Akash Meena, Ms.
Kinjal Shrivastava & Mr. Varun
Kishore, Advocates.

CORAM:

JUSTICE PRATHIBA M. SINGH

Prathiba M. Singh, J. (Oral)

1. This hearing has been done by video conferencing.
2. The present petition has been filed by the Petitioner seeking listing of its petition, under Section 9 of the Insolvency and Bankruptcy Code, 2016, before the appropriate bench of the National Company Law Tribunal (*hereinafter*, "NCLT").
3. The case of the Petitioner is that the Registrar of the NCLT has failed to even list the Petitioner's matter before the appropriate bench of NCLT, on the ground that the threshold of the pecuniary jurisdiction of the NCLT has now been amended by a notification dated 24th November, 2020, from Rs.1 lakh, to Rs.1 crore.
4. Mr. George, ld. counsel for the Petitioner, submits that the question as to whether the NCLT has the pecuniary jurisdiction or not, cannot be decided by the Registrar of the NCLT, but in fact the same ought to be looked into and

determined by an appropriate bench of the NCLT, after appreciating the fact situation involved. Reliance is placed upon the view of the NCLT, Kochi in *IA No. 175/KOB/2020 in IBA/34/KOB/2020* titled *M/s Tharakan Web Innovations Pvt. Ltd. v. Cyriac Njavally*, wherein the Tribunal has held that if disputes had arisen prior to the outbreak of the pandemic, the said notification may not apply, as the notification cannot be made applicable retrospectively.

5. Mr. Harish Vaidyanathan, Id. Counsel appearing for the Respondent submits that the said judgment of the NCLT, Kochi Bench has been stayed by the Kerala High Court.

6. This court is of the opinion that the question as to whether the NCLT has jurisdiction to entertain a particular case or not cannot be determined by the Registrar in the administrative capacity. The Registrar would have to place the matter before the appropriate bench of the NCLT, for the said question to be judicially determined. The appropriate bench of the NCLT would have to then, take a considered view as to whether notice is liable to be issued in the matter or not.

7. The question as to whether the notification dated 24th March, 2020 applies to a particular petition that has been filed prior to the said notification or not is also a question to be determined by the Bench of the NCLT and not by the Registrar of the Tribunal.

8. Accordingly, it is directed that the petition under section 9 of the IBC, moved by the Petitioner before the NCLT, shall be placed by the Registrar, NCLT before an appropriate bench for proceeding further in accordance with law. The listing of the petition is directed to be done within a period of ten days from today.

9. Advance intimation of listing of the said matter shall be given to the

Petitioner's counsel by the Registrar.

10. The present petition and all pending applications are disposed of, in the above terms.

**PRAITHIBA M. SINGH
JUDGE**

JANUARY 13, 2021

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