



SL. No.1

**NATIONAL COMPANY LAW TRIBUNAL  
HYDERABAD BENCH  
COURT HALL NO: II**

**Hearing Through: VC and Physical (Hybrid) Mode**

**CORAM: SHRI. RAJEEV BHARDWAJ, HON'BLE MEMBER (J)**

**CORAM: SHRI. SANJAY PURI, - HON'BLE MEMBER (T)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,  
HYDERABAD BENCH, HELD ON 09.01.2024 AT 10:30 AM**

<b>TRANSFER PETITION NO.</b>	
<b>COMPANY PETITION/APPLICATION NO.</b>	Company Petition IB/334/2022
<b>NAME OF THE COMPANY</b>	Sri Dakshinamurthy Agro Industries Pvt Ltd
<b>NAME OF THE PETITIONER(S)</b>	Union Bank of India
<b>NAME OF THE RESPONDENT(S)</b>	Sri Dakshinamurthy Agro Industries Pvt Ltd
<b>UNDER SECTION</b>	7 of IBC

**Order**

1. While writing the Judgement, it has come to our notice that on 25.11.2022 the Bench had passed the following order:

“Orders pronounced vide separate sheets. In the result, CP(IB)334/7/HDB/2022 is rejected, however, in the event of default in making payment of Rs.4.50 crores by 31.12.2022 by the Corporate Debtor, liberty is granted to the Financial Creditor to **apply afresh for initiation of CIRP against the Corporate Debtor as per Law**”. (*emphasis supplied*)

2. However, this Authority vide order dated 13.06.2023 restored the Company Petition (IB) No. 334/7/HDB/2022 instead of asking the Applicant/Financial Creditor to file a fresh petition.



3. The restoration of Company Petition (IB) No. 334/7/HDB/2022 has impact on the merits of the case, particulars relating to date of default in terms of settlement between the parties.
4. Therefore, relying on the judgement of the Hon'ble NCLAT in Union Bank of India vs Dinakar T. Venkatasubramanian & Ors IA No.3961 in Company Appeal (AT) (Ins) No.729 of 2022 which was upheld by the Hon'ble Apex Court, we in the interest of justice, and recognizing the oversight of the directions given in the order 25.11.2022, recall the order dated 13.06.2023 pertaining to the restoration of the petition.
5. As a result, the applicant/financial creditor is given liberty to file petition afresh for initiation of CIRP against the Corporate Debtor. The Company Petition (IB) No.334/7/HDB/2022 stand disposed of.

**Sd/-**  
**MEMBER (T)**

**Sd/-**  
**MEMBER (J)**