ITEM NO.29 COURT NO.1 SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal Nos. 6039-6044/2024

CENTRAL BANK OF INDIA **Appellant(s)**

VERSUS

RAMESH SHAH IN CONSORTIUM WITH MASITIA CAPITAL SERVICES PVT. LTD. & ORS. **Respondent(s)**

(FOR ADMISSION and IA No.108884/2024-STAY APPLICATION)

Date : 06-01-2025 These matters were called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s)
Mr. Gaurav Agrawal, Sr. Adv.
Mrs. Rathina Maravarman, Adv.
Mr. Ravi Raghunath, AOR

For Respondent(s)
Ms. Purti Gupta, AOR

Mr. Sahil Chandra, AOR
Mr. Rajendra Beniwal, Adv.
Mr. Ashkrit Tiwari, Adv.
Mr. Sunil Beniwal, Adv.
Ms. Richa Singh, Adv.

Mr. Arun Kumar Shukla, Adv.
Mr. Naman Shukla, Adv.
Mr. Yasharth Shukla, Adv.
Mr. Astu Khandelwal, Adv.
Mr. Ali Khan, Adv.
Mr. Surya Prakash, AOR

UPON hearing the counsel, the Court made the following
O R D E R

Petition under Section 9 of the Insolvency and Bankruptcy Code, 2016[1], filed against the Corporate Debtor, M/s. Etco Denim Private Limited, was admitted by the adjudicating authority on

1 "IBC", for short.

14.02.2020. A Resolution Professional was also appointed.

During the pendency of the aforesaid proceedings, it is apparent that the Resolution Professional instructed an employee of the Corporate Debtor to make an application for registration of the Corporate Debtor as a Micro, Small or Medium Enterprise[2] under the Micro, Small and Medium Enterprises Development Act, 2006[3], in terms of Gazette Notification No. S.O. 1702(E) dated 01.06.2020. It is the case of the appellant, Central Bank of India, that it objected to the Corporate Debtor, M/s. Etco Denim Private Limited, being treated as an MSME and these objections were noted in the meeting(s) of the Committee of Creditors. It is also the case of the appellant, Central Bank of India, that the asset value of the Corporate Debtor, M/s. Etco Denim Private Limited, was more than the norms prescribed for it to qualify as an MSME.

The application for registration as an MSME was filed by the employee of the Corporate Debtor, M/s. Etco Denim Private Limited, and on the same day, certificate dated 23.10.2020 was issued. It is the contention of the appellant, Central Bank of India, that the certification has been wrongfully procured and is contrary to law.

We are conscious of the fact that we are hearing an appeal in terms of Section 62 of the IBC and within its limited confines, we cannot go into the question of the validity of the registration certificate dated 23.10.2020. At the same time, the certificate having been placed on record, Section 29A read with Section 240A of the IBC would come into play and would affect the interests of the

2 “MSME”, for short.
3 “MSMED Act”, for short.

secured creditors, including the appellant, Central Bank of India.

Keeping in view the peculiar facts of the present case, we would permit the appellant, Central Bank of India, to file a writ petition before the jurisdictional High Court challenging the issuance of the MSME Registration Certificate dated 23.10.2020. If any such writ petition is filed, we request the High Court to take up the same for hearing expeditiously and preferably decide the same within a period of six months from the date of its filing. The parties and the authorities who have issued the said certificate shall also cooperate.

We clarify that we have not examined the validity of the MSME Registration Certificate. All pleas and contentions of the parties are left open.

Re-list in the week commencing 18.08.2025.

In the meanwhile, the proceedings before the adjudicating authority and the Corporate Insolvency Resolution Process shall remain stayed.

(DEEPAK GUGLANI) **AR-CUM-PS**	**(R.S. NARAYANAN)** **ASSISTANT REGISTRAR**