

**National Company Law Tribunal
Allahabad Bench**

C P No. (IB) 110/ALD/2017,
C A No. 100/2018

ATTENDENCE - CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 10.09.2018

NAME OF THE COMPANY: Shree Bhawani Paper Mills Limited

SECTION OF I & B CODE: 10 R/W 60(5)of IBC

<u>Sl. NO.</u>	<u>Name</u>	<u>Designation</u>	<u>Representation</u>	<u>Signature</u>
<u>1.</u>				
<u>2.</u>				

CP No.(IB) 110/ALD/2017, CA No.100/2018

Sh. Namit Srivastava along with Sh. Nikhil Mishra and Sh. Sidhartha Singhal, Advocates representing the RP is present.

CA No.203/2018 has been filed by the RP under Section 14 read with Section 60(5) of the I & B Code, 2016 with a prayer to direct the Bombay Stock Exchange not to initiate any proceedings for alleged non-compliances of SEBI (LODR) Regulation, 2015 against the Corporate Debtor during moratorium of the Corporate Debtor.

Further, relief has been sought regarding the exemption of the applicant/corporate debtor for compliances of SEBI (LODR) Regulation, 2015 regarding Corporate Debtor during moratorium of Corporate Debtor. Further, direction has been sought against the Central Depository Services (India) Ltd. and National Securities Depository Services (India) Ltd not to initiate any punitive action and restore the services for the Corporate Debtor.

It has been argued by the learned counsel appearing on behalf of the Resolution Professional that to keep the concern going on, these directions are necessary and he has further contended that Section 14(1)(a) provides moratorium against the institution of suits or continuation of pending suits or proceedings against the Corporate Debtor including execution of any judgment, decree or order in any Court of law, Tribunal, Arbitration Panel or **other authority**. He has stated that the SEBI and National Securities Depository Services (India) Ltd. or Central Depository Services (India) Ltd. are also covered under the definition of other authorities.

It is to be clarified that Section 10 application was admitted on the application of the Corporate Applicant, i.e. Corporate Debtor, now he seeks exemption from statutory compliances as required by the Stock Exchange and Central Depository Services (India) Ltd. and National Securities Depository Services (India) Ltd. It is pertinent to mention that in Section 14 it is specifically mention that in which area moratorium order shall be effective. Regulatory Authority are not covered under the moratorium order as provided U/S 14 of I & B Code. Given the moratorium issued under Section 14 of the I & B Code, 2016, Regulatory Authorities are not debarred from enforcing the Regulations as prescribed under Rules. Bombay Stock Exchange, under SEBI (LODR) Regulation, 2015 or Central Depository Services (India) Ltd. and National Securities Depository Stocks India Limited are not barred from compelling the Corporate Debtor company to comply with the Regulations as prescribed under Rules. The CA is not maintainable. Hence, rejected at the very threshold.

Learned counsel representing the Resolution Professional made a request that some time may be given for filing progress report. Prayer is allowed. Progress report may be filed within ten days from today.

List the matter on 28th September 2018 for further orders.

Dated: 10.09.2018

**SAROJ RAJWARE
MEMBER (TECHNICAL)**

**V.P. SINGH
MEMBER (JUDICIAL)**