

ITEM NO.6

COURT NO.1

SECTION XVII

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 Diary No. 49713/2024

[Arising out of impugned final judgment and order dated 09-09-2024 in CAAT(I) No. 1265/2022 passed by the National Company Law Apellate Tribunal]

COMMERCIAL TAXES DEPARTMENT

Petitioner(s)

VERSUS

MRS. TEENA SARASWAT PANDEY & ANR.

Respondent(s)

(IA No. 13376/2025 - CONDONATION OF DELAY IN REILING / CURING THE DEFECTS and IA No. 13374/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 27-01-2025 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE SANJAY KUMAR  
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :

Mr. Tushar Mehta, SG  
Ms. Mrinal Gopal Elker, AOR  
Mr. Abhimanyu Singh- G.A, Adv.  
Ms. Shruti Verma, Adv.  
Mr. Kanu Agarwal, Adv.

For Respondent(s) :

Mr. Devashish Bharuka, Sr. Adv.  
Mr. Ujjwal Singh, AOR  
Mr. Praveen Nishikant Surange, Adv.  
Mr. Mayank Sapre, Adv.  
Mr. Dheeraj Kumar, Adv.

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

Delay condoned.

Certain issues arise for consideration. One is - whether the  
dues payable under the Value Added Tax enactments of the States  
would fall in the category of 'government dues' or can be claimed

as 'secured operational creditors'. Another issue that would arise is - whether 'government dues' would be covered by the definition of 'security interest' in Section 3(31) of the Insolvency and Bankruptcy Code, 2016<sup>1</sup>.

We may note that the decision of this Court in "*State Tax Officer v. Rainbow Papers Limited*"<sup>2</sup>, was considered in some later decisions, including the one in "*Paschimanchal Vidyut Vitran Nigam Limited v. Raman Ispat Private Limited & Ors.*"<sup>3</sup>.

In order to settle the controversy, issue notice, returnable in the week commencing 03.03.2025.

We clarify that the pendency of the present appeal will not be a ground to adjourn the pending proceedings under the IBC and will not amount to stay of the scheme/plan, which is already sanctioned.

(DEEPAK GUGLANI)  
AR-cum-PS

(R.S. NARAYANAN)  
ASSISTANT REGISTRAR

1 "IBC", for short.

2 (2023) 9 SCC 545.

3 (2023) 10 SCC 60.