

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL  
CHENNAI BENCH  
Company Appeal (AT) (CH) (Ins) No.279 of 2022  
&  
I.A. No. 595,596 of 2022**

**IN THE MATTER OF:**

**Sembmarine Kakinada Ltd  
Through its liquidator  
Vedagiri Venkata Krishnamurthy**

**...Appellant**

**Versus**

**Andhra Pradesh Maritime Board & Anr.  
Present:**

**...Respondents**

**For Appellant:** Mr. PH Arvindh Pandian, Sr. Advocate with Mr. Anant Meratia and Ms. Priyanka Varma, Advocates.  
**For Respondents:** Mr. B Dhanaraj and Mr. Mohammed Umar, Advocates for R-1.  
Mr. T.K. Bhaskar and Mr. Mayan H Jain, Advocates for R-2.

**O R D E R  
(Virtual Mode)**

**18.07.2022:** This Appeal is directed against the order dated 04.07.2022 passed by the Adjudicating Authority(National Company Law Tribunal, Amravati Bench) by which status quo has been ordered to be maintained by the liquidator till further orders, on an application is filed by Respondent No.1 i.e. Andhra Pradesh Maritime Board.

Although, the Respondent No. 1 & 2 are not on caveat but they have put in appearance in this case to oppose this Appeal in which lengthy arguments have been addressed by the Ld. Counsels for the parties.

Since, Adjudicating Authority(National Company Law Tribunal, Amravati Bench) is likely to take up the application 'For stay' filed by Respondent No.1 on 22.07.2022,therefore, the Ld. Counsels for the parties have argued that this Appeal may be disposed of with a direction to the Adjudicating Authority (National Company Law Tribunal, Amravati Bench)to take a decision on the application pending adjudication on 22.07.2022 considering all the arguments raised for or against by the parties much less the issue about the maintainability of the application itself, on the date already fixed, after the completion of the pleadings in this matter and in case there is some difficulty to decide the said application on the date already fixed then within the shortest period thereafter.

We have heard the Ld. Counsel for the parties and perused the record with their assistance.

We are of the considered opinion that the best course for the adjudication of the issue in hand is to direct the Adjudicating Authority (National Company Law Tribunal, Amravati Bench) to decide the application filed by the Respondent No.1 'For Stay' on the date already fixed i.e. 22.07.2022 and in case the same is not possible to be decided on the same date then within a period of seven days thereafter.

In view of the aforesaid facts and circumstances, the Appeal is hereby disposed of and the Adjudicating Authority(National Company Law Tribunal, Amravati Bench) is directed to decide the Application 'For stay' filed by Respondent no.1 in which the impugned order dated 04.07.2022 has been passed, to decide the same preferably on 22.07.2022 i.e. the date already fixed and in that regard, the Counsel for the parties shall co-operate and submit their pleadings/Reply etc. much before the date fixed with advance copy to the other party so that the Tribunal may not have to adjourn the case.

In case, it is not found feasible by the Adjudicating Authority to decide on 22.07.2022, then it shall decide within a period of seven days thereafter by giving short dates etc. Needless to mention that the tribunal shall decide all the issues arising out of the application including the maintainability as well.

**[Justice Rakesh Kumar Jain]**  
**Member (Judicial)**

**[Mr. Kanthi Narahari]**  
**Member (Technical)**

sr/md