

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 1370 of 2023

&

I.A. No. 4881, 4882, 4883, 4884 of 2023 & 7139 of 2024

IN THE MATTER OF:

Ramniwas B Somany

...Appellant(s)

Versus

Anushri Paper Pack Pvt. Ltd. & Anr.

...Respondent(s)

Present:

For Appellant : Mr. Kunal Sinha, Advocate

For Respondents : Mr. Harshit Khare, Mr. Prafful Saini, Advocates for SBI.
Mr. Atul Sharma, Mr. Ashutosh Jain, Advocates for R-2.

O R D E R
(Hybrid Mode)

15.07.2025: This appeal is filed by the Suspended Director of the Corporate Debtor, namely, M/s Indian Denim Ltd. against the admission of the application filed by the operational creditor, namely, M/s Anushri Paper Pack Pvt. Ltd.

2. The application under Section 9 was filed by the operational creditor for the resolution of an amount of Rs. 8,48,127/-.

3. At the time of preliminary hearing, on 16.10.2023 this court had passed the following order:

“Issue notice. Notice is accepted by learned counsel appearing for the IRP. Notice be issued to Respondent No.1.

Let Reply be filed by the Respondents within three weeks. Two weeks’ time is allowed to file Rejoinder Affidavit.

*List this Appeal on **06.12.2023**.*

In the meantime, in the CIRP no further steps shall be taken.”

4. The interim order passed by this court dated 16.10.2023 is still continuing. However, at one stage of the proceedings, the SBI filed an application bearing IA No. 7139 of 2024 for intervention in the present appeal, inter alia, on the ground that SBI had advanced a sum of Rs. 26 Crores approximately and in view of therefore, the Corporate Debtor mortgaged its only immovable property namely, “Factory situated at 145-147 Village Walthera, Taluka: Dholka, District: Ahmedabad, Gujarat”.

5. It is submitted by the applicant that since the Corporate Debtor was not making any payment of the amount due, therefore, a legal notice dated 01.06.2016 was served demanding a total outstanding amount of Rs. 16,52,85,913.09/-.

6. The applicant has also filed an Original Application bearing O.A. No. 431 of 2016 before the Hon’ble DRT-I, Ahmedabad for a total outstanding amount of Rs. 17,03,85,072/- but the said application is not making any headway because of the stay granted by this court on 16.10.2023.

7. Counsel for the applicant has submitted that the operational creditor though was served but did not appear in this appeal, therefore, proceeded against ex-parte on 29.08.2024.

8. Counsel for the applicant has further submitted that though the case has been fixed today in the category of Old Cases about which it has been categorically mentioned that no request for adjournment shall be entertained but the appellant has not put in appearance and order of stay which has been passed is not allowing the application filed by the applicant before the DRT to proceed any further.

9. Keeping in view the aforesaid facts and circumstances, the present appeal is hereby adjourned to **08.08.2025** to await the appearance of the Counsel for the appellant but the order of stay dated 16.10.2023 is hereby vacated.

[Justice Rakesh Kumar Jain]
Member (Judicial)

[Justice Mohammad Faiz Alam Khan]
Member (Judicial)

[Naresh Salecha]
Member (Technical)

sr/rr