

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 717 of 2018

IN THE MATTER OF:

Union of India & Anr.

...Appellants

Vs

Videocon Industries Ltd. & Ors.

....Respondents

Present:

For Appellants: Ms. Maninder Acharya (ASG), Sr. Advocate with Mr. Anurag Ahluwalia (GSC), Ms. Nidhi Mohan Parashar and Mr. Viplav Acharya, Advocates.

For Respondents: Mr. S. S. Ladda, Mr. Yashvardhan, Ms. Smita Kant and Mr. Devender Singh, Advocates for R-1. Ms. Kiran Sharma, CS for RP.

ORDER

20.11.2018: After hearing learned counsel for the parties for a while, I find that as a sequel to the admission of petition under Section 7 of the Insolvency and Bankruptcy Code, 2016 filed by State Bank of India against 'Videocon Industries Ltd.', moratorium has been slapped in terms of Section 14 of the I&B Code. The Corporate Debtor is under Corporate Insolvency Resolution Process. In terms of the impugned order, the learned Adjudicating Authority has directed maintenance of status quo till next date of hearing which is fixed for 26.11.2018. The parties appear to have consented to a schedule for disposal of MA No.1300/2018 filed in CP (IB)-02/7/(MB)/2018. It appears that reply is yet to be filed by the Appellant (UoI).

2. Since the Adjudicating Authority has passed the interim direction on the basis of a prima facie view which is directed to last only till 26.11.2018 and MA No. 1300/2018 has not been decided on merit, it would be appropriate to dispose of the instant appeal by requesting the Adjudicating Authority to expedite the disposal of aforesaid MA after taking reply from the Appellant. The Adjudicating Authority will permit the Appellant to submit its reply on 26.11.2018.

3. To safeguard the interests of both the parties, I am of the considered opinion that it would be appropriate to direct that the oil companies (R-2 to 5) shall not release amounts under profit petroleum which comprises subject matter of notice, till disposal of MA No. 1300/2018.

4. Learned Adjudicating Authority is requested to consider the aforesaid MA on its merit being uninfluenced with the observations made in the impugned order. It is clarified that this order shall not in any manner be interpreted as limiting the authority and powers of Adjudicating Authority to pass appropriate direction in regard to profit petroleum after hearing the matter on merit.

5. Copy of the order be provided dasti to Appellant.

6. The appeal stands disposed of.

[Justice Bansilal Bhat]
Member (Judicial)

am/uk