

**NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH  
COURT NO.1**

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,  
BENGALURU BENCH, BENGALURU, HELD ON 20.07.2018.

PRESENT: 1.Hon'ble member (J) Shri Rajeswara Rao vittanala,  
2.Hon'ble member (T) Dr. Ashok Kumar Mishra

CP/CA No	Purpose	Section	Name of Petitioner	Petitioner Advocate	Name of Respondent	Respondent Advocate
CP(IB) No.66/ BB/ 2017	For hearing on IA 129/17, IA 164/17 & IA 188/17	Sec 7 of I&B code	Axis Bank Ltd	Cyril Amarchand Mangaldas	Lotus Shopping Centres Pvt. Ltd.	Thiru&Thiru, Advocates

SL. NAME (IN CAPITAL)  
NO. & PHONE NUMBER

REPRESENTATION TO WHOM

SIGNATURE

PETITIONER/s:

SHRI UDAYA HOLLA, SENIOR ADVOCATE  
FOR. SHARAN A KURREJA  
FOR CYRIL AMARCHAND MANGALDAS  
Ph. No. 7022020508

APPLICANT

RESPONDENT/s:

B C THIRUVENGADAM,  
MANIK BT

Respondents

  

**ORDER**

1. Heard Shri Udaya Holla, learned Advocate General & learned Senior Counsel for Petitioner/Financial Creditor; Shri B.C.Thiruvengadum, learned Counsel for Respondent.
2. Shri B.C.Thiruvengadum, learned Counsel for the Applicant/Respondent in I.A 129/2017 & I.A No. 188/2017, submitted that both I.As became infructuous, and thus they may be disposed of as infructuous.

Hence, I.A 129/2017 & I.A No. 188/2017 in C.P (IB) No.66/BB/2017 are disposed of as infructuous.

pto

3. Shri Udaya Holla, learned Advocate General & learned Senior Counsel for Petitioner/Financial Creditor has concluded his arguments in both C.P and I.A. The learned Senior Counsel urged the Tribunal to decide the question of admission at the earliest possible time on the ground that the matter is pending from July 2017.
4. Therefore, the learned Counsel for Respondent requested to post the matter on 01/08/2018, as he is going out of country and filed Affidavit dated 20/07/2018 by inter-alia stating that, he has to refer number of documents, which are part of the pleadings, to establish malice of facts and fraud and thus require more time. The learned Counsel for Respondent has also undertaken to file written submissions, after conclusion of his arguments on the next date of hearing.
5. The learned Senior Counsel for Petitioner/Financial Creditor has filed a copy of order passed by Hon'ble NCLAT dated 10/07/2018 in C.A (AT) (Insolvency) No. 246/2018, which reads as follows:

“In the meantime, the Adjudicating Authority will decide the application filed under Section 7 uninfluenced by any order passed by this Appellate Tribunal. The parties are directed to co-operate with the Adjudicating Authority and not to ask for unnecessary adjournments. If the Adjudicating Authority adjourn the matter, it should record the reason for such adjournment.”

6. In view of the above facts and circumstances of the case, we direct both C.P and I.A posted on 01/08/2018 under the caption “**Part Heard**”. We make it clear that no further adjournment will be given and the Tribunal will finally decide on the next date of hearing.

  
MEMBER (T)

  
MEMBER (J)