


**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

Before Shri Madan B. Gosavi, Hon'ble Member (J)

CP(IB) No.798/KB/2018

This matter was heard at length and has been reserved for Orders. When I took up the matters for passing the orders, I found that the Corporate Debtor is the Corporation established by the State of West Bengal under Special Statute. It is not a company registered under the Companies Act, 2013 or under Company laws. Hence, in view of the provisions of section 2 of Insolvency & Bankruptcy Code, 2016, it appears to me that the provisions of Insolvency & Bankruptcy Code, 2016 may not be applicable to the Corporation/ State Government undertaking. This point was not raised by the Corporate Debtor.

Operational Creditor did not have opportunity to make submissions about the point of applicability of provisions of Insolvency & Bankruptcy Code. So, this matter is again listed for hearing on the point of applicability of the provisions of the Insolvency & Bankruptcy Code, 2016.


(Madan B. Gosavi)
Member (J)

Signed on this, the 29th day of August, 2018.