

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

Item No. 8
(IB)-1464(PB)/2018

IN THE MATTER OF:

a'XYKno Capital Services Pvt. Ltd.

.... Applicant/petitioner

Vs.

Rattan India Power Ltd.

.... Respondent

Order under Section 9 of Insolvency & Bankruptcy Code, 2016

Order delivered on 25.04.2019

Coram:

CHIEF JUSTICE (RTD.) M. M. KUMAR

HON'BLE PRESIDENT

SH. S. K. MOHAPATRA

HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the applicant

Mr. Vikram Hegde, Adv.

ORDER

CA-759(PB)/2019:-

Notice of the application be issued to Mr. Alok Dhir, learned counsel for the non-applicant-respondent for 10.05.2019.

Process dasti only.

We make it clear that in the judgment rendered in the case of *Dharani Sugars and Chemicals Ltd. v. Union of India & ors.* (Civil Original/Appellate Jurisdiction, Transferred Case (Civil) No. 66 of 2018 along with Writ Petitions decided on 02.04.2019), Hon'ble the Supreme Court has now clarified that the proceedings which have been initiated under Section 7 of the Insolvency and Bankruptcy Code, 2016 would only be affected as is evident from second last para of the judgment which is attached with the application. Accordingly,



it is evident that any proceeding pending under Section 9 initiated by the Operational Creditor would not be affected. Therefore, the non-applicant-respondents are expected to come prepared with the arguments as the pleadings are complete.

List for further arguments on 10.05.2019.

Sd/-

(M. M. KUMAR)
PRESIDENT

Sd/-

(S. K. MOHAPATRA)
MEMBER (TECHNICAL)

25.04.2019.
Aarti Makker