




**National Company Law Tribunal
Allahabad Bench**

C P No. 24/ALD/2017,
C A No. 210/2018

ATTENDENCE - CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 6.09.2018

NAME OF THE COMPANY: Jekpl Pvt. Ltd. Vs. Export Import Bank of India

SECTION OF I & B CODE: 60(5) IBC "

<u>Sl. NO.</u>	<u>Name</u>	<u>Designation</u>	<u>Representation</u>	<u>Signature</u>
1.	Ashish Rana	Advocate	Applicant/EXIM	
2.	Robin Arya	Manager	Applicant/EXIM	
3.	Vinayak Mishra	Advocate	Applicant	
4.	Himanshu Rai	Advocate	Applicant	

CP NO. 24/ALD/2017, CA NO. 210/2018

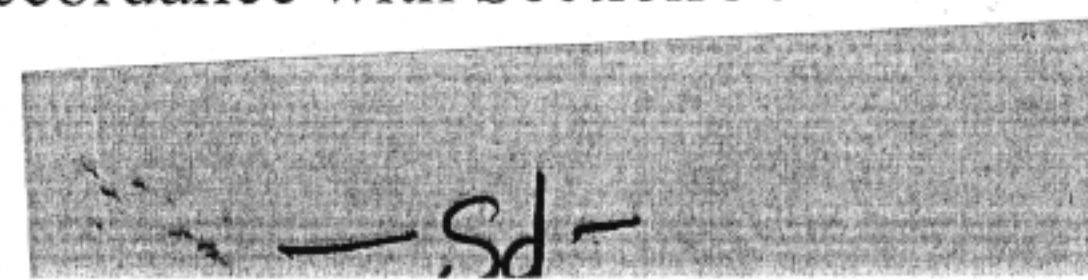
Sh. Ashish Rana alongwith Sh. Robin Arya, Advocate for the Applicant/Exim Bank, is present in the Court.

CA NO. 210/2018 has been filed by the Export Import Bank of India seeking directions to reconstitute the Committee of Creditors with the Export Import Bank of India as a Financial Creditor and permit the applicant to call for a meeting of Committee of Creditors to appoint Resolution Professional in terms of Section 27 of the I & B Code, 2016.

Learned counsel for the applicant has filed this company application on the basis of judgment passed by the Hon'ble NCLAT in Company Appeal (AT) (Insolvency) No. 304 of 2017 and Company Appeal No. 16 of 2018.

In the above mentioned appeal, Hon'ble NCLAT has passed an order and directed the Resolution Professionals and Adjudicating Authorities to treat the Appellant Bank as members of their respective Committee of Creditors, who in their turn are directed to hold the meeting of Committee of Creditors in accordance with law and reconsider/consider the Resolution Plan(s) submitted in each CIRP (Corporate Insolvency Resolution Process) which are in accordance with Section 30 (2) of the I & B Code.

PS



In para 59 of the appellate order it is mentioned that the claim of Exim Bank having been wrongly rejected by the Adjudicating Authority, impugned order dated 27th November, 2017 is set aside.

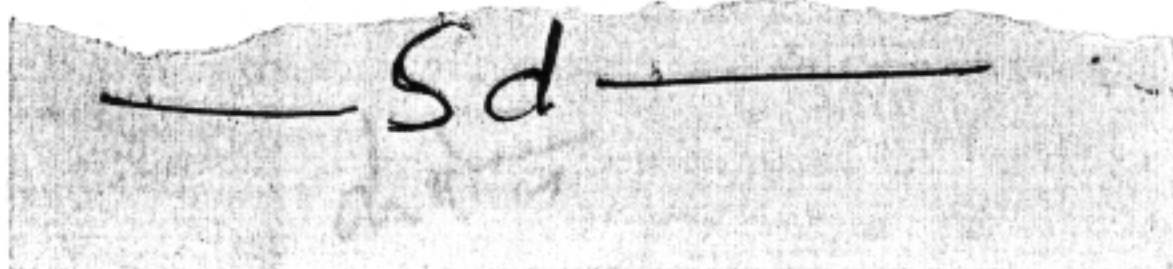
In view of the direction of the Hon'ble NCLAT, appellant Exim Bank has been treated as Financial Creditor in this case. It is further to point out that during pendency of this appeal, Resolution Professional has resigned and no Resolution Professional is working in his place. Appellant has stated that he is ready to convene the meeting Committee of Creditors, so that appointment of Resolution Professional may be made on the basis of recommendation of COC.

In view of the direction of Hon'ble NCLAT and applicant prayer, we hereby direct the appellant to call the meeting of reconstitute Committee of Creditors with Exim Bank of India as Financial Creditor and apprise this Tribunal regarding the recommendation of the Committee of Creditors in relation to the appointment of Resolution Professional within seven days from today.

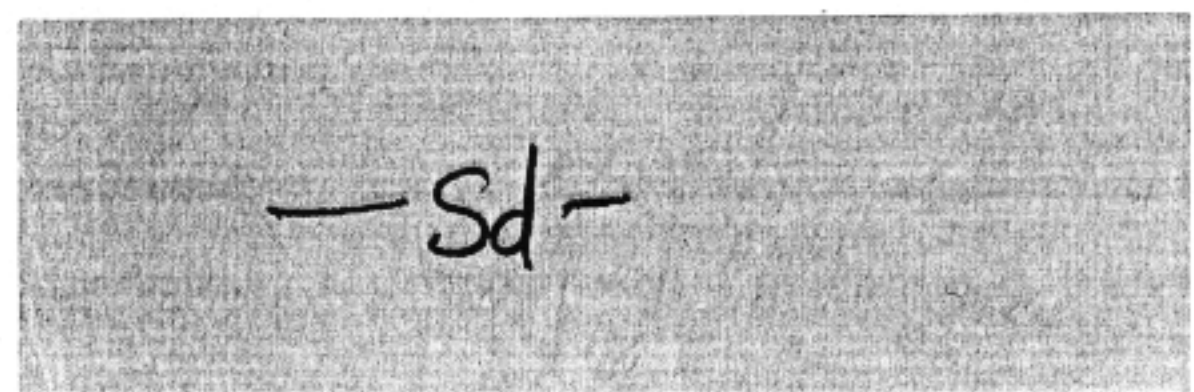
The Company application is disposed off accordingly.

List the matter on 18th September 2018, for further order.

Dated: 06.09.2018



**SAROJ RAJWARE,
MEMBER (T)**



**V.P. SINGH,
MEMBER (J)**