

BEFORE THE ADJUDICATING AUTHORITY
NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
COURT 1

IA/196(AHM)2021 in C.P. (I.B) No. 503/9/NCLT/AHM/2019 With
IA/254(AHM)2021
IA/255(AHM)2021

Coram: MADAN BHALCHANDRA GOSAVI, MEMBER (JUDICIAL)
VIRENDRA KUMAR GUPTA, MEMBER (TECHNICAL)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE THE AHMEDABAD BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 05.04.2021

Name of the Company:

Huhtamaki PPL Ltd
V/s
Manpasand Beverages Ltd

Section:

12A/Section 14,17,'60(5) IBC,2016/19/9 of the Insolvency & Bankruptcy
Code, 2016

ORDER

Learned Counsel Mr. Salil Thakore appeared for the Applicant. Learned Senior Counsel Mr. Rashesh Sanjanwala appeared. Learned Counsel Mr. Swaroop George appeared for the suspended management. Learned Counsel Mr. Jaimin Dave appeared. Learned PCA Dr. Hiten Partikh appeared.

Learned Counsel Mr. Salil Thakore apprised us the fact that an appeal had been filed by the suspended management against our order of CIRP before the Hon'ble NCLAT which was withdrawn. However, a request was made today for restoration of such appeal. However, Hon'ble NCLAT declined this request on the ground that this application is premature.

Learned Counsel Mr. Kamlesh Vaidankar appeared on behalf of Operational Creditor i.e. M/s. Swati Switchgears Pvt. Ltd., which is filed u/s 9 of the Insolvency & Bankruptcy Code, 2016 had been disposed of with a liberty to the Operational

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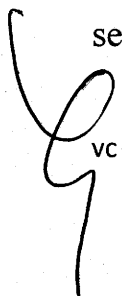
Creditor to approach IRP/RP who was appointed by this Authority while admitting the Corporate Debtor into Corporate Insolvency Resolution Process. He further submitted that now application u/s 12A has been filed in that case for setting aside the order of Corporate Insolvency Resolution Process, hence, he is objecting to it. He further submitted that one IA had been filed to this effect, which is yet to be listed. He accordingly, prayed that this IA should also be considered alongwith application filed u/s 12A of the Code.

Learned Counsel Mr. Tirth Nayak appeared on behalf of M/s. Maker Polyfilms Pvt. Ltd. he submitted that he has filed an application under Section 9 of the Insolvency & Bankruptcy Code, 2016 is pending for disposal. He has also pointed out that one IA had been filed by the said Operational Creditor objecting setting aside Corporate Insolvency Resolution Process u/s 12 A Code, which is yet to be listed.


Learned Counsel Mr. M.K. Shah appeared for the Operational Creditor ie. Jain fast-foods Pvt Ltd. which is filed u/s 9 of the Insolvency & Bankruptcy Code, 2016 had been disposed of with a liberty to the Operational Creditor to approach IRP/RP who was appointed by this Authority while admitting the Corporate Debtor into Corporate Insolvency Resolution Process. He further submitted that now application u/s 12A has been filed in that case for setting aside the order of Corporate Insolvency Resolution Process, hence, he is objecting to it. He further submitted that one IA had been filed to this effect, which is yet to be listed. He accordingly, prayed that this IA should also be considered alongwith application filed u/s 12A of the Code.

Learned Counsel Mr. Swaroop George appeared and submitted that Hon'ble NCLAT had submitted that an application u/s 12 A of the Insolvency & Bankruptcy Code, 2016 may be disposed of today itself, however, the order of the same has not been produced before us as it is not uploaded on the website yet.

Learned Senior Counsel Mr. Rashesh Sanjanwala appeared on behalf of the one of secured Financial Creditor objected to setting aside the Corporate Insolvency



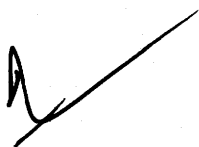
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Resolution Process. He also submitted that an application u/s 7 has been filed, which is not listed. He prayed for list of the same alongwith IA filed u/s 12A of the Code.

Registry is directed to list all the pending matters alongwith all pending IA's on 06.04.2021 at 2: 00 p.m.


(VIRENDRA KUMAR GUPTA)
MEMBER (TECHNICAL)


(MADAN B GOSAVI)
MEMBER (JUDICIAL)

Dated this the 5th day of April, 2021.