

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI  
PRINCIPAL BENCH

(IB)-378(PB)/2017

**IN THE MATTER OF:**

**Alchemist Asset Reconstruction Co. Ltd. .... APPLICANT / PETITIONER**  
**And**  
**Moser Baer India Limited .... RESPONDENT**

**SECTION:**

**Under Section 7 of Insolvency & Bankruptcy Code**

**Order delivered on 17.01.2018**

**Coram:**

**CHIEF JUSTICE (RETD.) M. M. KUMAR**  
**Hon'ble President**

**S. K. MOHAPATRA**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENTS:**

**For the Petitioner(s) Mr. Karan Kanwal, Advocate with Mr.**  
**Devendra Sing, Resolution Professional**

**For the Respondent(s)**

**ORDER**

**C.A. No. 06(PB)/2018**

Learned counsel for the Resolution Professional has *inter alia*, argued that the lock out declared on 04.11.2017 by the Corporate Debtor is illegal because talks for conciliation were in progress from 27.10.2017 and were still pending as is evident from the minutes of meetings dated 04.11.2017 (page 20 of the affidavit of the Resolution Professional dated 16.11.2017). Learned counsel has also drawn our attention to the provisions of Section 6S which prohibits illegal strikes and lock-outs. According to sub section 2 (d) of Section 6S of the aforesaid provision it is provided that during the pendency of any conciliation proceeding before a Conciliation officer and thirty days after the conclusion thereof no lock out could be declared.

Notice of the application be issued to the non applicants returnable on 31.01.2018.

Process dasti.

List for further consideration on 31.01.2018.

Sd/-

**(M. M. KUMAR)**  
**PRESIDENT**

Sd/-

**(S. K. MOHAPATRA)**  
**MEMBER (TECHNICAL)**