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**BEFORE THE AJUDICATING AUTHORITY
(NATIONAL COMPANY LAW TRIBUNAL)
AHMEDABAD BENCH
AHMEDABAD**

C.P. (I.B) No. 104/9/NCLT/AHM/2017

Coram:

**Present: Hon'ble Mr. BIKKI RAVEENDRA BABU
MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 29.08.2017**

Name of the Company: Unique Organics Ltd.

V/s.

Anil Ltd.

Section of the Companies Act: Section 9 of the Insolvency and Bankruptcy
Code

| <u>S.NO.</u> | <u>NAME (CAPITAL LETTERS)</u> | <u>DESIGNATION</u> | <u>REPRESENTATION</u> | <u>SIGNATURE</u> |
|--------------|-------------------------------|--------------------|-----------------------|------------------|
| 1. | Natasha Sutaria | Adv. | Applicant | Natasha |
| 2. | | | | |

ORDER

Learned Advocate Ms. Natasha Sutaria present for Applicant/ Operational Creditor.
None present for Respondent.

Heard arguments of Learned Counsel for Applicant.

This application is filed by operational creditor under section 9 of the Insolvency and Bankruptcy Code, 2016 to initiate Corporate Insolvency Resolution process against Anil Ltd/ Corporate Debtor claiming Rs. 1, 99, 72, 507.51/-.

This Tribunal vide its common order dated 23.08.2017 admitted the applications filed by Financial Creditors against Anil Ltd. and appointed Shri Pramod Bajranglal Kedia as Interim Resolution Professional and further ordered moratorium as envisaged under section 13(1)(a) and 14 of Insolvency and Bankruptcy Code, 2016.

This Tribunal also directed Interim Resolution Professional to cause publication about commencement of Insolvency Resolution process and creditors were asked to submit claims to Interim Resolution Professional.

The Hon'ble National Company Law Appellate Tribunal in Company Appeal (AT) (Insolvency) No. 33 of 2017 M/s. Meyer Apparel Ltd. Anr v. M/s Surbhi Body Products Pvt Ltd. and Company Appeal (AT) (Insolvency) No. 34 of 2017 M/s Meyer Apparel Ltd & Anr. v. M/s Godolo & Godolo Exports Pvt Ltd in para 20 held as follows

“At this stage, we may only add that once in a petition under section 7 or 9 of I&B Code when corporate resolution process is initiated, the Adjudicating Authority has no jurisdiction to initiate another corporate resolution process against the same very corporate debtor, though it may allow the Financial Creditor/ Operational Creditor to file claim pursuant to the advertisement issued, before the “interim resolution professional”.

In view of the above said decision and in view of moratorium declared under section 13(1)(a) of Insolvency and Bankruptcy Code, 2016 this application is dismissed. However, applicant is at liberty to submit his claim, if any if it is within limitation before Interim Resolution Professional.


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Dated this the 29th day of August, 2017.