

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI

T.C.P No. 82/(MAH)/2017
M.A. No. 803/2017

CORAM:


Present: SHRI M.K. SHRAWAT
MEMBER (J)

ATTENDENCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 03.10.2017

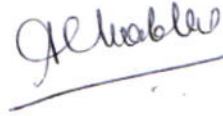
NAME OF THE PARTIES: Asmi Enterprises
V/s.
Yog Industries Ltd.

SECTION OF THE COMPANIES ACT: I & BP Code 2016.

S. No.	NAME	DESIGNATION	SIGNATURE
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32	Yash Wardhan Tiwari (Advocate) 1/2 Mrs. Manjula Rao.	For Petitioner	
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CA - Amit Podder
(Resolution Professional)
of Yog Industries Ltd.



Amit Kumar Gupta
chief Manager - law.
Bhil.



Vijay Kumar.
Chief Manager.
ICICI Bank Ltd.



Contd on Page - 2 -

ORDER

M.A. No. 503/2017 in C.P. No. 82/I&BC/NCLT/MB/MAH/2017

1. The Learned Representative of the Petitioner is present.
2. Today the IRP and one of the Financial Creditor are present and marked their attendance.
3. From the side of the Respondent debtor Misc. Application No. 503/2017 dated 09.10.2017 was submitted wherein the prayers are as under :-
" (24) *The Applicant therefore, prays :*
(a) *That the ex-parte order dated 22nd August 2017 passed by this Hon'ble Tribunal be set aside ;*
(b) *That pending the hearing and final disposal of the Application, the Corporate Insolvency Resolution process set to motion by the order dated 22nd August 2017 be stayed ;*
(c) *For interim and ad-interim reliefs in terms of prayer clause (b) above be granted ;*
(d) *That the cost of the Petition be provided for ;*
(e) *Such other and further reliefs may be granted as this Hon'ble Tribunal deems fit in the facts and circumstances of the case."*
4. In spite of giving opportunity to explain the position of Law that once an Order has been passed and Petition is admitted under section 9 of the Insolvency Code, whether that Order can be recalled. The Misc. Application was listed for hearing today duly communicated to the Applicant.
5. In the absence of the Applicant and considering the position of law that there is no such provision under the Insolvency Code to recall an Order specially when the Corporate Insolvency Resolution Process has been commenced and the IRP has to submit Report in this Petition.
6. Hence this Misc. Application does not survive and is dismissed.
7. The IRP is directed to submit the latest Report on the next date of hearing.
8. The matter is now listed for hearing on **12.12.2017**.

16.11.2017

aah

Sd/-

**M.K. Shrawat
Member (Judicial)**