

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

C.P. NO. 1357/I&BC/NCLT/MAH/2017

Under Section 9 of the I&B Code, 2016

In the matter of

ENVIRO BUILDMATE PVT. LTD.

.... Petitioner

v.

LAVASA CORPORATION LTD.

.... Corporate Debtor

Order delivered on: 15.9.2017

Coram: Hon'ble Mr. B.S.V. Prakash Kumar, Member (Judicial)
Hon'ble Mr. V. Nallasenapathy, Member (Technical)

For the Petitioner: Mr. Yogesh Anklesaria, Authorized Representative

For the Respondent: Ms. Chaitrika Patki i/b Kaustav Talukdar,
Advocate for Corporate Debtor

Per B. S. V. Prakash Kumar, Member (Judicial)

ORDER

1. On perusal of this Company Petition and on hearing the petitioner side and the corporate debtor counsel, it appears that this Petition is filed u/s.9 of Insolvency & Bankruptcy Code, 2016 against the Corporate Debtor, against which already a winding-up petition i.e., CP 501/2016 pending before Hon'ble High Court of Bombay filed by this very petitioner on the very same claim the petitioner has filed this petition.

THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

CP No.1357/ I&BC/NCLT/MB/MAH/2017

2. Since the Central Govt. has already issued Notifications dated 15.12.2016 and 29.6.2017 saving the proceedings pending before Hon'ble High Court, now this Petitioner cannot initiate another proceeding before this Bench under IB Code on the same claim ignoring the proceedings already pending before the Hon'ble High Court of Bombay, whereby this Company Petition is hereby dismissed without costs.

Order pronounced on 13.9.2017 and delivered on 15.9.2017.

Sd/-

V. NALLASENAPATHY
Member (Technical)

Sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)