

**National Company Law Tribunal**

**Allahabad Bench**

**CP NO. (IB)13/ALD/2017**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF  
ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW  
TRIBUNAL ON 15.06.2017**

**NAME OF THE COMPANY: M/S J.R. Agro Industries Pvt Ltd**

**SECTION OF THE COMPANIES ACT: U/S 9 of I & B Code 2016**

<u>Sl. NO.</u> <u>Signature</u>	<u>Name</u>	<u>Designation</u>	<u>Representation</u>
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2.

**ORDER DATED 15.06.2017**

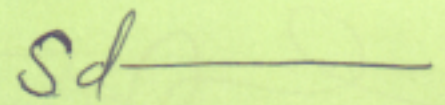
**CP NO. (IB) 13/ALD/2017: CA NO. 85/2017 M/S J.R. Agro Industries  
Pvt Ltd**

1. The Case is fixed today for passing an order in respect of CA No. 85 of 2017 and for appointment of IRP.
2. As, in the present matter a proposal for nomination / confirmation of IRP has been referred to the Insolvency and Bankruptcy Board of India but, the communication there from is still awaited. The statutory waiting period for receipt of such nomination/ confirmation is not yet over.
3. Therefore, we examined and considered the merits of CA in the light of above given circumstances.
4. The present application CA No. 85 of 2017 is the filed by Corporate Debtor under Rule 11 of NCLT Rules, 2016 seeking prayer to defer effective date of order by fifteen days so as to enable to aggrieved party (Applicant) to approach the Hon'ble Appellate Authority under Section 61 of Insolvency and Bankruptcy Code, 2016.
5. As per this court's order dated 30.05.2017, this court has already issued direction to this effect that paper publication in respect of Moratorium to be made only after IRP is appointed,



as per nomination / confirmation received from the Insolvency and Bankruptcy Board of India.

6. Therefore, in our view the question of deferring the paper publication at this stage is premature. Further this court in its main order dated 30.05.2017 has already passed an order for moratorium under Section 13 and 14 of Insolvency and Bankruptcy Code, therefore such cannot be recalled.
7. Moreover, subsequent there to and during the course of hearing, the learned PCS for Corporate Debtor duly informed that an appeal has already been preferred, before the Hon'ble NCLAT wherein issue of notices has also been ordered. A copy of Hon'ble NCLAT's order date 13. 06.2017 is furnished to this Bench. Keeping the view of such situation the prayer sought for in <sup>the</sup> ~~this~~ present application now becomes infructuous.
8. Since, as of today there is no stay of proceedings of this court from Hon'ble Appellate Authority, hence the process for appointment of IRP to be continued. However, that should be subject to order /Interim direction be passed, if any by the Hon'ble NCLAT in the pending appeal.
9. Accordingly, the CA NO. 85/2017 is disposed as being infructuous.
10. List the matter on 28 June, 2017 for reply/confirmation from the IBBI.



H. P. CHATURVEDI

Member (Judicial)

Dated: 15.06.2017