

# National Company Law Tribunal

## Allahabad Bench

CP NO. (IB) 55/ALD/2017, CA No  
188/2017

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL  
COMPANY LAW TRIBUNAL ON 20.11.2017

NAME OF THE COMPANY: Anil Goel (RP For LML Ltd) vs Bank of Baroda & ors.

SECTION OF THE COMPANIES ACT/I & B CODE: 14, 17 of I & B code of 2016

Sl. NO.	Name	Designation	Representation	Signature
1.	ABHISHEK ANAND, ADVOCATE		RESOLUTION	<i>Abhishek</i>
2.	Vinod Kant Srivastava		PROFESSIONAL	
3.	Dr. Y. K. Srivastava - Adv.		Respondent	
4.	Shahid Kazmi Adv.		Respondent	<i>Sh.</i>
5.	Radeep Singh Siroda	C GC	Central government	<i>Radeep</i>
6.	VIKRAM BHALLA	Advocate	Bank of Baroda	<i>g</i>

### CP NO.(IB)55/ALD/2017, CA NO.188/2017

Sh. Abhishek Anand, Advocate for the RP. Sh. Vikram Bhalla, Advocate for the Bank of Baroda/Financial Creditor. Sh. Vinod Kant, Additional Advocate General alongwith Dr. Y.K. Srivastava, Chief Standing Counsel and Sh. Shahid Kazmi, Advocate for the State Government of Uttar Pradesh.

The District Magistrate, Kanpur, Mr. Surender Singh through his affidavit has deposed that no alleged violation of status quo order as passed by this Tribunal has ever been committed and the District Administration is always prepared to follow the direction/order that may be issued by this Court, although it is not a contesting party to the present case.

Since, there arise certain issues as pointed out by the Ld. Additional Advocate General and the Chief Standing Counsel of the State Government, that which provision of the payment of Gratuity Act *vis-a-vis* non obstante clause 238 of the I & B Code would prevail. Such issue can be decided after hearing the submission of learned counsel for both the parties.

Sh. Abhishek Anand, Ld. Counsel for the RP further points out that he is not able to operate the bank accounts of the company under CIRP as the same are reportedly by the order of District Administration Authorities.

Keeping in view of this, the District Administration, Kanpur through District Magistrate is expected to clarify the factual position and statutory requirement on the issue of withholding the payment from the accounts of Corporate Debtor Company under the CIRP. In case there appear no such legal requirement for freezing bank account of the company under CIRP, then the District Administration, Kanpur is expected to issue necessary instruction to the concern Banks including Bank of Baroda to clarifying its stand and permitting the Corporate Debtor Company through the RP to operate its bank accounts. Further, this Court to be appraised of the directions issued, if any, in the matter.

The matter be listed on 8<sup>th</sup> December, 2017.

Dated: 20.11.2017

Typed by:  
Kavya Prakash Srivastava  
(Stenographer)

*Sd*  
H.P. Chaturvedi,  
Member (Judicial)