

National Company Law Tribunal

Allahabad Bench

CP NO. (IB) 155/ALD/2017

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 29.01.2018

NAME OF THE COMPANY: M/S Ganpati Feeders V/s Jagjilal Kamapat 2nd Mills Ltd.

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

Sl. NO.	Name	Designation	Representation	Signature
1.	VINAYAK MITHAL	ADVOCATE	APPLICANT	Vinayak Mithal
2.	ASHISH SRIVASTAVA, ADV.	ADV.	APPLICANT	Ashish
3.	Jahagir Haider Adv.	Adv.	Respondent	

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Sh. Ashish Srivastava, alongwith Sh. Vinayak Mithal, Advocates for the Operational Creditor. Sh. Jahagir Haider, Advocate for the Corporate Debtor Company.

The petitioner files memo, pointing out some error erupted inadvertently in the record stating that this Court after hearing the counsel on 20.12.2017 only expressed such view that grant of ad-interim prayer as prayed for by the Operational Creditor is not necessary at this stage. However, it has been reflected such that prayer being not necessary, is declined, which means disposal of the interim relief, which may not be the correct factual position, because the argument in detail from the counsels for both the parties in respect of grant of such interim relief are yet to be heard.

Considering such facts & circumstances, we feel that our order dated 20.12.2017 needs modification to that extent that in para 3 of our order dated 20.12.2017, now to be read as such:

“Since in connected matter this Court has already granted status quo from the date of restoration of the case. Hence, that interim prayer as sought for by the Operational Creditor is not necessary at this stage and appropriate order would be pass after hearing the counsel for the parties.”

Thus, the memo dated 29.01.2018 of petition is allowed and accordingly stands disposed of.

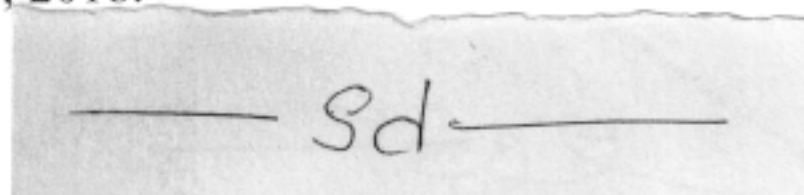
The Corporate Debtor Company through its counsel seeks time to file rejoinder to the reply of the Operational Creditor in respect of Corporate Debtor's application filed U/s 65 of the I & B Code. Hence, the time is granted for the same. The Corporate Debtor further files its reply-cum-objection to the main petition, which is taken on record.

Argument in respect of the interim relief/status quo as sought for by the petitioner are heard, while the counsel for the Corporate Debtor would submit that the Corporate Debtor Company has already preferred an appeal against restoration of status quo order earlier passed by this Court in the matter of *Surendra Trading Company versus Juggilal Kamlapat Jute Mills Ltd.*, which is now pending and subjudice. A copy of Hon'ble NCLAT's proceeding dated 16.01.2018 is produced before this Court, which shows that <sup>a</sup>the notice has been accepted by the respondents in appeal and the matter is now fixed for hearing on 8<sup>th</sup> February, 2018 in respect of pending Company Appeal [(AT)(Ins.)No.19/2018]. Further, the petitioner also filed reply to the objection of Corporate Debtor Company, which is taken on record.

The matter to be listed on 27<sup>th</sup> February, 2018.

**Dated:29.01.2018**

Typed by:  
Kavya Prakash Srivastava  
(Stenographer)



**H.P. Chatūrvedi,  
Member (Judicial)**