

**National Company Law Tribunal**


**Allahabad Bench**

CP NO.2/ALD/2017

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE  
NATIONAL COMPANY LAW TRIBUNAL ON 31.01.2017

NAME OF THE COMPANY: M/s Kanpur Plastipack Ltd

SECTION OF THE COMPANIES ACT: u/s Rule 6 of Insolvency & Bankruptcy code, 2016

<u>Sl. NO.</u>	<u>Name</u>	<u>Designation</u>	<u>Representation</u>	<u>Signature</u>
<u>1.</u>	ASHUTOSH AGARWAL	ADVOCATE	PETITIONER	
<u>2.</u>	<u>Order dated 31.01.2017</u>			

**CP No. 2/ALD/2017 M/s Kanpur Plastipack Ltd**

Heard the Learned Counsel for petitioner on the question of jurisdiction to entertain a creditor's application under Section 60. As pointed out by the Ld. Counsel for petitioner, the respondent is a corporate debtor whereas the petitioner is a corporate creditor and Section 60 sub-Section-(1) does not make any difference between a 'corporate debtor' or a 'corporate creditor' where it has used in its language the expression 'corporate person'. There is also striking difference between the import of sub-Section 1 and sub-Section 2 which makes us to believe that there is something to be interpreted to decide the question of the jurisdiction on the basis of situs of the 'corporate person', with particular reference to whether the 'corporate person' would include the situs of 'corporate debtor' or does it include the situs of 'corporate creditor'. The Bench has noticed that so far, no authority is laid down by the NCLT on this question and therefore the Bench wants to hear both sides and make critical examination of the issue. For the limited purpose of hearing on the territorial jurisdiction of the Tribunal under Section 60 of the Insolvency & Bankruptcy Code, 2016 issue notice to the respondents and also notice to Central Government through Ministry of Corporate Affairs. List on 17.02.2017 for hearing.

List on 17.02.2017.

  
SH.V.S.R. AVADHANI (Judicial Member)

  
SH. H.P. CHATURVEDI (Judicial Member)

Dated 31.01.2017

*For compliance  
31/1/2017*