

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, CHENNAI
(APPELLATE JURISDICTION)**

Company Appeal (AT) (CH)(Ins) No. 17 &18 of 2021

(Under Section 61 of the Insolvency and Bankruptcy Code 2016)

(Arising out of Order dated 25.01.2021 and 09.02.2021 in

**C.P.No.(IB)No.17/9/HDB/2020 passed by Hon'ble National Company Law Tribunal,
Special Bench, Court-I Hyderabad Bench**

IN THE MATTER OF:

Thirumala Logistics ... Appellant
Through its Partner
Mr.Mukesh MK Chhaged,
Regd Off.No.35A, Ward No.19, Patel nagar,
3rd Cross, Opp.Post Office
Ananthapur Road, Ballari
Karnataka 583101

V.

M/s Sathavahana Ispat Ltd.
Through its Managing Director
Mr.Naresh Kumar Adusumilli
No.505, 5th Floor,
Block 1, Divyashakthi Complex,
Ameerpet, Hyderabad
Telengana 500 016. ..Respondent

Present :

For Appellant : Ms.Lakshmy Iyengar, Senior Advocate
: Ms.Ramya Subramaniam, Advocate

JUDGEMENT

(VIRTUAL MODE)

Heard the Senior Learned Counsel for the Appellant.

2. The grievance of the Appellant in both the Appeals is that the 'Adjudicating Authority'(National Company Law Tribunal, Hyderabad) is continuously adjourning the matter and this act of the said authority

is not in tune with the constraints envisaged under the 'Insolvency and Bankruptcy Code, 2016'. As a matter of fact, on 25.1.2021, the main C.P.(IB)No.17/9/HDB/2020 was directed to be posted on 9.2.2021 and from 9.2.2021, it came to be listed on 3.3.2021. The next date of hearing is slated on 24.3.2021.

3. At this juncture, the Learned Counsel for the 'Appellant' makes a fervent plea that the 'Appellant' will be satisfied if this 'Tribunal' passes an order in directing the 'Adjudicating Authority' (National Company Law Tribunal, Special Bench, Court-I Hyderabad) to take up the main C.P.(IB)No.17/9/HDB/2020 pending on its file, on 24.3.2021 being the next date of hearing since the 'pleadings' were completed as early as on 7.12.2020.

4. It comes to be known that the main C.P.(IB)No.17/9/HDB/2020 was filed on the file of the 'Adjudicating Authority'(National Company Law Tribunal, Special Bench, Court-I, Hyderabad) on 24.2.2019 and that the 'Reply/Response/Counter' of the Respondent was filed on 7.12.2020.

5. Be that as it may, in view of the fact that pleadings were completed as early as on 7.12.2020 and what remains now is only the main C.P.(IB)No.17/9/HDB/2020 which is to be taken up for 'Hearing', this 'Tribunal', at this juncture, simpliciter directs the 'Adjudicating Authority'(National Company Law Tribunal, Special Bench, Court-I,

Hyderabad) to take up the C.P.(IB)No.17/9/HDB/2020 on its file on the next date of hearing, i.e.24.3.2021 and to dispose of the same (ofcourse, after providing adequate opportunity of hearing by adhering to the guiding principles of natural justice) within a period of one month from the date of receipt of copy of this Judgement.

6. With the above said observations and directions, the instant Company Appeal in Comp.App.(AT)(CH)(Ins)No.17 & 18/2021 shall stand disposed of. There shall be no order as to costs.

7. Interlocutory Applications in IA No.44 and 45 seeking exemption from filing of 'Original and Certified copies' of the 'Impugned Orders' dated 25.1.2021 and 9.2.2021 are closed with a direction to the 'Appellant' to file certified copies of the 'Impugned Orders' of the 'Adjudicating Authority' within 2 weeks from today, without default.

***[Justice Venugopal M]
Member (Judicial)***

***[V.P.Singh]
Member (Technical)***

18 .03.2021

HR