

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 82 of 2019

IN THE MATTER OF:

Assam Company India Ltd.

...Appellant

Vs

Numazar Dorab Mehta & Ors.

....Respondents

Present:

**For Appellant: Mr. Basudeb Biswas, Mr. Robin Sirohi and
Ms. Vineeta Rathore, Advocates.**

For Respondents:

ORDER

23.01.2019: This appeal has been filed by the 'Assam Company India Ltd.' through one of the erstwhile Director against order dated 29th November, 2018 passed by the Adjudicating Authority (National Company Law Tribunal), Guwahati Bench in I. A. No. 55 of 2018 in CP(IB)/20/GB/2017, whereby and whereunder the Adjudicating Authority asked the parties to raise their plea before the Special Referee in accordance of the provisions of the law.

2. From the impugned order we find that the Resolution Plan submitted by the Successful Resolution Applicant was accepted on 20th September, 2018 and order under Section 31 was passed, the moratorium expired since then, thus the 'Assam Company India Ltd.' is now under the control of the Successful Resolution Applicant and therefore at the behest of the erstwhile Director the appeal by 'Assam Company India Ltd.' is not maintainable. Further on merit we find that in the impugned order no decision has been taken by the Adjudicating

Authority, nor any finding given with regard to the issues, as the Adjudicating Authority has no jurisdiction to decide any issue after the order passed under Section 31. In respect to the plea taken by one or other party, they have been asked to move before the Special Referee, which is pending.

3. For the reason aforesaid, the appeal is dismissed. No costs.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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