

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 76 of 2019

IN THE MATTER OF:

Rokadoba Maharaj Ginning & Pressing Pvt. Ltd. ...Appellant

Vs

Sel Manufacturing Company Ltd.Respondent

Present:

For Appellant: Present but appearance not marked.

For Respondent: Ms. Purti Marwah Gupta, Advocate.

ORDER

23.01.2019: Appellant filed an application under Section 9 of the I&B Code for initiation of Corporate Insolvency Resolution Process against 'Sel Manufacturing Company Ltd.' (Corporate Debtor). Giving reference to some order passed by Hon'ble Supreme Court in 'Dhiraj Saluja Versus Union of India & Ors.' and some case pending before Hon'ble Punjab and Haryana High Court, the Adjudicating Authority by impugned order passed on 20th December, 2018 adjourned the case for 15th January, 2019.

2. In absence of any finding given in one or other issue by the Adjudicating Authority, while we are not inclined to interfere with order dated 20th December, 2018 but it has not been made clear as to why the Adjudicating Authority has not passed an appropriate order in the application under Section 9. If there is a debt and default and there is no pre-existing dispute or there is a pre-existing

dispute or the case relates to matter pending before one or other court, even in such case an appropriate order can be passed by the Adjudicating Authority.

3. We hope and trust that the Adjudicating Authority will pass appropriate reasoned order on the application under Section 9 on the next date or after notice and hearing the parties. The appeal stands disposed of with aforesaid observations. No. costs.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

am/uk