

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 26 of 2021**

**In the matter of:**

**Commissioner of State Taxes & Excise, Himachal Pradesh &Ors.**

**....Appellants**

**Vs.**

**Naresh Kumar Sood, Liquidator**

**....Respondent**

**Present:**

**Appellant: Mr. Abhimanyu Jhamba, Ms. ThonpiaoThangal, Mr. Ashish Jhamb, Ms. Vaishali Aggarwal, Advocates.**

**Respondent: Mr. Ajay Kr. Jain, Advocate for Liquidator  
Mr. Naresh Kr. Sood (liquidator)**

**ORDER**

**(Through Virtual Mode)**

**20.01.2021:** Certified copy of the impugned order having been provided to Appellant on 15<sup>th</sup> December, 2020, the appeal filed on 21<sup>st</sup> December, 2020 is within time and does not call for condonation of delay. I.A. No.64 of 2021 stands disposed off.

I.A. No. 66 of 2021 seeking exemption from filing typed copies of dim/ illegible annexures is disposed of with direction to the Appellant to file certified copy of the impugned order within one week.

The issue raised in this appeal filed against allowing of application of liquidator under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 for issuance of NOC for registration purposes is that the State Excise Department has first charge over properties in question as reflected in letter dated 5<sup>th</sup> February, 2016 and the property has been attached under Section 26 of the HP VAT Act.

Contd/-.....

Issue notice upon Respondent. Notice on behalf of Respondent is waived and accepted by Mr. Ajay Kr. Jain, Advocate. No further notice need be issued to him. Reply affidavit may be filed by the Respondent within 2 weeks. Rejoinder, if any, be filed within 2 weeks thereof.

Written submissions not exceeding three pages may also be filed by the parties along with the pleadings supported by the relevant case law.

List the appeal 'for admission (after notice)' on 22<sup>nd</sup> February, 2021.

As an ad-interim, we direct that the impugned order shall remain stayed till next date of hearing. I.A. No. 65 of 2021 stands disposed off.

**[Justice Bansi Lal Bhat]  
Acting Chairperson**

**[KanthiNarahari]  
Member (Technical)**

**[Dr. Alok Srivastava]  
Member (Technical)**

**AR/g**