

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

**Company Appeal (AT) (Insolvency)No.84 of 2019**

**IN THE MATTER OF:**

**Sri MunisuvrataAgri International Ltd.**

**.....Appellant**

**Vs.**

**Bank of Baroda & Ors.**

**.....Respondents**

**Present :**

**For Appellant:**

**Mr. K.K. Sharma, Sr. Advocate with Mr. VikasSethi,  
Mr. Ram Pravesh Rai, Advocates**

**For Respondents:**

**Mr. Pankaj Vivek, Mr. Paresh, Advocate for R-1**

**Mr. P.Nagesh, Mr. Shailendra Jain, Mr. Soumya  
Dutta, Advocates for R-11**

**Mr. GaganKataria, Advocates for R-13 & R-14**

**Mr. Aditya Vijaykumar, Ms. Namrata, Advocates for  
R-15**

**O R D E R**

**19.08.2019 -** The Appellant – name of the ‘Corporate Debtor’ is ‘Sri MunisuvrataAgri International Ltd.’ There being a doubt as to whether the ‘Corporate Applicant’ / ‘Corporate Debtor’ had taken any decision in EOGM to go for insolvency u/s 10 of the Insolvency & Bankruptcy Code, 2016 (‘I&B’ Code, for short). We had given directions on 25.01.2019. We allowed the Appellant to file additional- affidavit(Diary No. 9461) which has been filed with enclosure in

**....contd.**

'Annexure- 1'and shows that minutes of the 2<sup>nd</sup>Extraordinary General Meeting of the Company held on 10<sup>th</sup> April, 2018. On the cover page of the additional affidavit, it is written that a copy of the minutes of the 2<sup>nd</sup> Extraordinary General Meeting of the Appellant - **'Sri MunisuvrataAgri International Ltd.'**heldat Regd. Office of the Appellant Company on 10<sup>th</sup> April, 2018. However, from the Annexure – 1, we find that the minutes of the 2<sup>nd</sup>EOGM isof 'LMJ International Ltd.', another company which held its meeting on 10<sup>th</sup> April, 2018. It is not the meeting of the Appellant - **'Sri MunisuvrataAgri International Ltd.'**

2. Further, from the 2<sup>nd</sup> EOGM of the 'LMJ International Ltd.' dated 10<sup>th</sup> April, 2019, we find that the address of the Regd. Office of the said Company is at 15-B, HemantaBasuSarani, 5<sup>th</sup> Floor, Kolkata – 700001 whereas in form No. 6, the application u/s 10 of the 'I&B' Code, name of the Company has been shown as

**'Sri MunisuvrataAgri International Ltd.'** having its registered office at 16, British India Street, 2<sup>nd</sup> Floor, Kolkata – 700069.

3. *Prima facie* there appears to be some doubt about the existence of one or the other Company.

4. For the reason aforesaid, we direct the Appellant to state as to why the appropriate order be not passed against them in terms of Section 65 of the 'I&B'

....contd.

Code and u/s 213 of the Companies Act, 2013. If so necessary, this Appellate Tribunal may also ask the Central Government to make investigation in terms of Section 213 against the other Company namely 'LMJ International Ltd.'

5. Issue Show-Cause Notice to the Appellant who mayfile Show-Cause reply within two weeks. The Appellant will also enclose a copy of the award, if any, passed by 'Arbitral Tribunal'.

Place the case for 'Orders' on **11<sup>th</sup> September, 2019.**

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice A. I. S. Cheema]  
Member (Judicial)

[Kanthi Narahari]  
Member (Technical)

ss/gc

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