

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Ins.) No. 796 of 2019

&

I.A. No. 970-971 of 2020

IN THE MATTER OF:

Directorate of Revenue Intelligence

...Appellant.

Versus

M/s. Shree Ganesh Jewellery House P. Ltd. & Ors.

...Respondents.

Present:

For Appellant: Mr. Ajit Sharma, Advocate.

For Respondent: Mr. Krishnendu Dutta, Advocate for RP-Liquidator.

**Mr. Gaurav H Sethi and Mr. Abhinav Tyagi,
Advocates for R-1 and R-2.**

Ms. Ruchir Mishra, Intervener.

ORDER
(Virtual Mode)

19.03.2021 The Learned Counsel for the Appellant submits that he may be given time as the arguing counsel is not available. On being asked, the Learned Counsel who has filed the Appeal after going through the records, states that the seizure list referred to by the Adjudicating Authority in Paragraph 2 of the Impugned Order as “Annexure B” is not on record.

2. It is now material to consider Section 32 A of IBC which had been inserted vide ‘IBC Amendment Act, 2020’. The question to be decided in this matter is now more legal than any other thing. The Learned Counsel for the Resolution Professional/Liquidator Mr. Krishnendu Dutta refers to Judgments in the matter of “*Manish Kumar Vs. Union of India*”, 2021 SCC OnLine SC 30 and Judgment in the matter of “*P. Mohanraj and Ors. Vs. Shah Brothers Ishpat Pvt. Ltd.*”, Civil Appeal No. 10355 of 2018 and submits that as the seized properties were not made available at the time of CIRP, the CIRP failed and the Company has landed

up in Liquidation. It is stated that the issue involved is legal and needs to be decided as the earliest. We are giving one opportunity.

3. The Learned Counsel for the Appellant to file the List of articles, which the Liquidator sought and which the Adjudicating Authority appears to have referred.

4. The same may be filed within a week.

List the Appeal 'For Admission (After Notice)' Hearing on **09th April, 2021**.

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

[Dr. Alok Srivastava]
Member (Technical)

Basant B./nn.