

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 206 of 2021

IN THE MATTER OF:

Cotton Casuals (India) Pvt. Ltd.

...Appellant

Versus

Kanchan Dutta & Anr.

...Respondents

Present:

**For Appellant: Mr. Deepnath Roy Choudhury and Mr. Debojyoti
Bhattacharya, Advocates.**

For Respondents: Mr. Rahul Auddy, Advocate for R-1.

O R D E R
(Through Virtual Mode)

18.03.2021: The issue raised in this appeal preferred against order dated 2nd February, 2021 passed by the Adjudicating Authority (National Company Law Tribunal) Kolkata Bench, Kolkata declining to grant waiver of transfer fee which Appellant was held to pay, is that the Adjudicating Authority proceeded on the wrong premise that the West Bengal Authority for Advance Ruling has already decided the issue as to the validity of claim for transfer fee to WBIDC and that the Appellant has been directed to pay the applicable transfer fee on the basis of factually incorrect instances, which is unsustainable.

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Issue notice upon Respondents. Notice on behalf of Respondent No. 1 is waived and accepted by Mr. Rahul Auddy, Advocate. No further notice be served upon Respondent No. 1. Notice will go to Respondent No. 2 only. Requisites along with process fee and email address of Respondent No. 2 be filed by the Appellant within three days. Notice be issued through e-mail or any other available mode.

Respondent No. 1 may file reply affidavit within two weeks. Rejoinder thereto, if any, may be filed by the Appellant within two weeks thereof.

Short written submissions, not exceeding two pages, supported by compilation of relevant judgments, may also be filed by learned counsel for the parties alongwith pleadings.

Post the matter 'for admission (after notice)' on **16th April, 2021**.

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

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

am/gc