

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 206 of 2017

IN THE MATTER OF:

Flacon Tyres Ltd.

...Appellant

Versus

**Belthangady Taluk Rubber Growers Marketing
& Processing Co-op. Society Ltd. & Anr.**

...Respondents

Present:

For Appellant : Shri Ashok K. Jain, Advocate

ORDER

09.10.2017 This appeal has been preferred by the appellant against the order dated 30th August, 2017 passed by the Adjudicating Authority (National Company Law Tribunal), Bengaluru Bench in Case No. I.A. No. 102/17 in CP (IB) No. 01/BB/17. The main plea taken is that an association of workmen have been impleaded in the case under Section 9 of the Insolvency and Bankruptcy Code, 2016 (for short 'I&B Code'), which is not permissible.

Having regard to the fact that after the impugned order being passed, the Adjudicating Authority has already admitted the application under Section 9, as informed by the learned counsel for the appellant, we are not inclined to interfere with the impugned order. However, we are of the view that after admission of the application for initiation of Corporate Insolvency Resolution, against the appellant, the association of workmen have no role to play except their members, individually may file claim, the Insolvency Resolution Professional, who is required to proceed in accordance with the provisions of I & B Code.

The appeal stands disposed of with the aforesaid observations. However, this order will not come in the way of the aggrieved person to challenge the order of admission of the application under Section 9 of the I & B Code. No costs.

[Justice S.J. Mukhopadhaya]
Chairperson

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

[Balvinder Singh]
Member (Technical)

/ns/