

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 231 of 2021

IN THE MATTER OF:

Assistant Commissioner of State Tax

...Appellant

Versus

Sundaresh Bhatt & Ors.

...Respondents

Present:

For Appellant: Mr. Maulik Nanavati and Ms. Manvi Damle Advocates.

For Respondents: Mr. Sandeep Bajaj, Mr. Soayib Qureshi and Mr. Ajay Sharma, Advocates with Ms. Mamta Binani, Liquidator for R-3.

ORDER
(Through Virtual Mode)

25.03.2021: The Appellant – ‘Assistant Commissioner of State Tax, Bharuch’ has been directed to refund a sum of Rs.1,23,93,968/- to the account of Corporate Debtor in terms of impugned order dated 22nd September, 2020 passed by the Adjudicating Authority (National Company Law Tribunal) Court-I, Mumbai Bench. The impugned order is assailed inter-alia on the ground that resolution process was not reinstated and the order of liquidation was set aside in Company Appeal (AT) (Insolvency) No. 601/2019 subject to payment of the agreed amount.

Issue notice upon Respondents. At this stage it is pointed out by Shri Sandeep Bajaj, Advocate representing the Liquidator (Respondent No.3) presently

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managing the affairs of the Corporate Debtor that Resolution Professional (Respondent No. 1) has ceased to exist after 22nd February, 2021. Therefore, Respondent No. 1 is struck off from the array of Respondents. Notice having been accepted on behalf of Respondent No. 3 by Mr. Sandeep Bajaj Advocate, let notice be issued upon Respondent No. 2 only. Appellant to provide requisites alongwith process fee, email and phone numbers of Respondent No. 2 within two days. Notice be served through any mode available.

Respondent No. 3 may file reply affidavit within two weeks. Rejoinder thereto may be filed by the Appellant within two weeks thereafter. Short written submissions, not exceeding two pages, together with compilation of relevant judgments may also be filed alongwith the pleadings.

Post the matter 'for admission (after notice)' on **27th April, 2021**.

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

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

am/gc