

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 174 of 2019

IN THE MATTER OF:

Mantena Engitec Pvt. Ltd.

...Appellant

Versus

State Bank of India & Ors.

...Respondents

Present:

For Appellant : **Mr. Jaideep Singh, Advocate**

For 1st & 3rd

Respondent: **Mr. Biswajit Dubey and Ms. Ruchi Choudhary,
Advocates**

For 4th Respondent : **Ms. Samiksha Godiyal, Advocate**

O R D E R

01.07.2019 The Appellant has preferred this appeal against the ‘order of liquidation’ passed by the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench, Kolkata on 6th December, 2018. The plea taken by the Appellant is that the scheme has already been submitted by the Appellant, which had been forwarded to the ‘Liquidator’ and it should have been considered in terms of the provisions of Section 230 of the Companies Act, 2013 and the decision of this Appellate Tribunal in **“Y. Shivram Prasad vs. S. Dhanapal & Ors.”** - ‘Company Appeal (AT) (Insolvency) No. 224 of 2018’.

Learned counsel appearing on behalf of the ‘Liquidator’ submits that the process u/s 230 of the Companies Act, 2013 read with the provisions of the ‘Insolvency and Bankruptcy Code’ and the decision of this Appellate Tribunal in **“Y. Shivram Prasad” (Supra)** have already been taken and appropriate order will

pass by the Adjudicating Authority in accordance with law. Learned counsel appearing on behalf of the 'Committee of Creditors' also accepts the same.

In view of the aforesaid stand taken, we are not inclined to interfere with the 'order of liquidation' dated 6th December, 2018. The parties will proceed in accordance with the decision of this Appellate Tribunal in "*Y. Shivram Prasad*" (*Supra*).

The appeal stands disposed of.

[Justice S.J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

/ns/gc