

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Company Appeal (AT) (Insolvency) No. 204 of 2021**

In the matter of:

Vijisan Exports Pvt. Ltd.

....Appellant

Vs.

Cimme Jewels Ltd. & Anr.

....Respondents

Present:

Appellant: Mr. Rudreshwar Singh, Mr. Saurabh Jain, Advocates.

**Respondents: Mr. Shavez Mukri, Mr. Naren Shetu, Advocate for
R1&2 (Liquidator)**

ORDER

(Through Virtual Mode)

17.03.2021: In terms of the impugned order dated 5th February, 2021 passed by the Adjudicating Authority (National Company Law Tribunal), Mumbai Bench, Court-III, Appellant has been directed to vacate the factory premises and its bid to purchase the premises of Corporate Debtor in liquidation stands rejected.

2. The issue raised in this appeal preferred by Tenant of the premises is that the impugned order suffers from non-application of mind.

3. Issue Notice upon the Respondents. Notice on behalf of Respondent Nos.1 and 2 is waived and accepted by Mr. Shavez Mukri, Advocate. No further notice need be issued to him. He may file reply-affidavit within two weeks. Rejoinder, if any, be filed within two weeks thereof.

Contd/-.....

4. Mr. Saurabh Jain, Advocate representing the Appellant submits that some typographical errors have crept in the cause title and memo of appeal. He seeks leave to rectify the same. Leave granted. The defects may be cured and errors rectified within three days.

List the appeal 'for admission (after notice)' on 13th April, 2021.

Meanwhile, keeping in view the fact that the rental dues have admittedly not been paid since January, 2020, without expressing any opinion about the merit of the case, we deem it appropriate to direct the Appellant to pay an amount of Rupees Ten Lakh on account of outstanding liability within two weeks. This course is being adopted taking into consideration the hardship caused on account of imposition of lockdown and disruption of economic activities in the outbreak of COVID-19.

Meanwhile, as an ad-interim, it is further directed that the operation of the impugned order shall remain stayed till the next date of hearing.

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

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

AR/g