

# Twinstar Technologies Limited vs Bank Of Maharashtra on 24 April, 2023

**Bench: Dinesh Maheshwari, Sanjay Kumar**

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ITEM NO.301

COURT NO.6

SECTION XVII

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Civil Appeal No(s). 894/2022

TWINSTAR TECHNOLOGIES LIMITED

Appellant(s)

VERSUS

BANK OF MAHARASHTRA & ORS.

Respondent(s)

(IA No. 15778/2022 - EX-PARTE STAY, IA No. 22778/2022 - INTERVENTION APPLICATION, IA No. 17567/2022 - INTERVENTION APPLICATION AND IA No. 15932/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

C.A. No. 512/2022 (XVII)

(IA No. 87306/2022 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 13022/2022 - EX-PARTE STAY, IA No. 22773/2022 - INTERVENTION APPLICATION, IA No. 106018/2022 - INTERVENTION/IMPLEADMENT, IA No. 87304/2022 - INTERVENTION/IMPLEADMENT AND IA No. 13386/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 509/2022 (XVII)

(IA No. 12964/2022 - EX-PARTE STAY AND IA No. 13387/2022 PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

C.A. No. 1307/2022 (XVII)

(IA No. 21420/2022 - APPLICATION FOR PERMISSION AND IA No. 21442/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 24-04-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI  
HON'BLE MR. JUSTICE SANJAY KUMAR

For Appellant(s)

Mr. Guru Krishna Kumar, Sr. Adv.  
Mr. Diwakar Maheshwari, Adv.  
Mr. Karun Mehta, AOR  
Mr. Shreyas Edupuganti, Adv.

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Neetu Khajuria  
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Mr. K.K.Venugopal, Sr. Adv.  
Mr. Sandeep.s.ladda, Adv.  
Mr. Soumik Ghosal, AOR  
Mr. Ankur Talwar, Adv.  
Mr. Yashvardhan, Adv.

For Respondent(s) Mr. Tushar Mehta, Solicitor General  
Mr. Bishwajit Dubey, Adv.

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Mr. Madhav Kanoria, Adv.  
Ms. Surabhi Khattar, Adv.  
Mr. Kanu Agarwal, Adv.  
Ms. Varisha Sharma, Adv.  
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Mr. Ankur Talwar, Adv.  
Mr. Yashvardhan, Adv.

Ms. Garima Prasad, Sr. Adv.  
Mr. Tanuj Sud, Adv.  
Mr. Ajay Kumar, Adv.  
Ms. Stuti Vatsa, Adv.  
Ms. Yamini Singh, Adv.  
Ms. Shreya Saxena, Adv.  
Mr. Abhikalp Pratap Singh, AOR

Mr. Ranjit Kumar, Sr. Adv.  
Mrs. Garima Prashad, Sr. Adv.  
Mr. Amit Gautam, Adv.  
Mr. Abhinav Agrawal, AOR

Mr. Neeraj Kishan Kaul, Sr. Adv.  
Mr. S. S. Shroff, AOR  
Mr. Vaijayant Paliwal, Adv.  
Ms. Moulshree Shukla, Adv.  
Ms. Megha Khandelwal, Adv.

Mr. Shyam Divan, Sr. Adv.  
Mr. Gaurav Singh, Adv.  
Mr. Ritesh Kumar Chowdhary, AOR

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Piyush Joshi, Adv.

Mr. Senthil Jagadeesan, AOR

Ms. Sumiti Yadava, Adv.

Ms. Sonakshi Malhan, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The matters could be taken up in this Special Bench sitting today only at 3.50 p.m. The learned senior counsel Mr. K.K. Venugopal points out that in reference to order dated 17.04.2023, the counter affidavit on behalf of the appellant of Civil Appeal No.894 of 2022 was, of course, filed on 21.04.2023 but, the financial creditor (SBI) has filed the same today only at 1:00 p.m. running into over 900 pages.

Learned senior counsel, Mr. Neeraj Kishan Kaul appearing for the Resolution Professional, on the other hand, prays for a couple of days' time for filing his response and/or written submissions.

Mr. Venugopal submits that due to adverse health condition of the appellant and the volume of papers, rejoinder to the submissions made in the counter affidavit would require some extra time of about two weeks.

Apart from Civil Appeal No.1307 of 2022 filed by the erstwhile Promoter/Director, the arguments of Mr. Tushar Mehta, learned Solicitor General appearing for the assenting Financial Creditors; learned senior counsel, Mr. Neeraj Kishan Kaul, appearing for the Resolution Professional; Mr. Ranjit Kumar, learned senior counsel appearing for dissenting Financial Creditors; and Mr. Piyush Joshi, learned counsel appearing for the Gujarat State Petronet Limited in other matters have already been heard.

While commencing the hearing in Civil Appeal No.1307 of 2022 on 17.04.2023, we had considered it appropriate to issue formal notice in this appeal too and while giving time to the respective respondents, posted the matters today for further hearing.

Taking note of the totality of circumstances, while we are inclined to take the belatedly filed counter affidavit on behalf of the financial creditor(SBI) on record and also to grant time until 26.04.2023 to the Resolution Professional to place his counter affidavit/response on record, rejoinder on behalf of the appellant of Civil Appeal No.1307 of 2022 in relation to the counter affidavits may be filed by 03.05.2023.

List these matters for further hearing on 04.05.2023 at 2:00 p.m. The learned counsel appearing for the financial creditor(SBI) has also submitted that if Civil Appeal No.1307 of 2022 cannot be proceeded further, this matter may be segregated so that hearing in other matters may be concluded.

As at present, we are keeping all the submissions of the learned counsel for the parties in regard to the merits of Civil Appeal No.1307 of 2022 as also the proposition of segregation open, to be considered on the next date, i.e., 04.05.2023.

(NEETU KHAJURIA) (RANJANA SHAILEY) ASTT. REGISTRAR-cum-PS COURT MASTER