

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 214 of 2024

IN THE MATTER OF:

Sashi Kanta Jha & Anr.

...Appellant(s)

Versus

Devi Prasad & Ors.

...Respondent(s)

Present:

For Appellant : Mr. Abhijeet Sinha, Sr. Advocate with Mr. Anuj Tiwari,
Mr. Aditya Sukla, Mr. Rahul Kumar, Ms. Monika,
Advocates

For Respondents : Ms. Malvika Trivedi, Sr. Advocate with Mr. Ankit Kohli,
Advocate for R-1
Mr. Govind Bhardwaj, Mr. Aryan Sinhad, Advocates for
R-2, RP
Mr. Ashok Kumar Jain, Mr. Avneesh Garg, Advocates
for Caveator
Mr. Arjun Aggarwal, Advocate for Caveator
Mr. Kumar Anurag Singh, Advocate for Caveator

O R D E R
(Hybrid Mode)

02.02.2024: Learned Counsel for the Appellant submits that by Order dated 19th January, 2024, Insolvency has been commenced for operational debt of Rs. 5,24,132/- claimed by Respondents herein who filed Section 9 Application as workmen. It is submitted that an Application under Section 9

was not maintainable since the notice was disputed. It is further submitted that Appellant without prejudice to the rights and contentions, shall be depositing the entire amount before the Registrar by Bank Draft in favour of Pay and Accounts Office, Ministry of Corporate Affairs, GoI by tomorrow.

2. Learned Counsel appearing for the Respondents refuting the submissions of Appellant submits that there is chequered history of litigation and workmen due not only of Respondents but all other several workers are still due. It is submitted that several assets of the Corporate Debtor were siphoned off earlier and the workers had not received their dues for several years. It is submitted that Mill is closed since 2014 and dues are more than Rs. 300 Crores.

3. Submissions raised by the parties need scrutiny. Issue notice. Notice is accepted by respective counsel appearing for the parties.

4. Learned Counsel for the Respondents as well as Learned Counsel appearing for the interveners are given liberty to file Reply and Affidavit. Liberty is also given to the Intervener to file Application, if any. The needful may be done within two weeks. Rejoinder may be filed within one week, thereafter.

5. Learned Counsel appearing for the IRP accepts notice. Let IRP continue in its place, receive claims and collate the claims however no further steps shall be taken till the next date.

List this Appeal on **01st March, 2024 at 02:00 PM.**

**[Justice Ashok Bhushan]
Chairperson**

**[Barun Mitra]
Member (Technical)**

**[Arun Baroka]
Member (Technical)**

Basant/nn