

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI**

Company Appeal (AT) (Insolvency) No. 1407 of 2024

In the matter of:

M/s. C Mahendra Exports Ltd.

....Appellant

Vs.

Bank of Baroda

...Respondent

For Appellant

Mr. Ashish Pyasi, Ms. Sneha Botwe, Mr. Siddharth Chapalgaonkar, Mr. Avinsah Khanolkar, Advocates.

For Respondent

Mr. Ravi Raghunath, Ms. Rathina Maravarman, Mr. Harish K. Raman, Advocates.

ORDER

(Hybrid Mode)

26.07.2024: Heard Learned Counsel for the Appellant.

2. This Appeal has been filed against the order dated 26.06.2024 passed by the Adjudicating Authority (National Company Law Tribunal) Court Room No.1, Mumbai Bench. The order passed on 26.06.2024 is as follows:-

“Adv. Harish K. Raman i/b Rathina M. for the Financial Creditor is present. Adv. Ashish Pyasi i/b Adv. Avinash Khanolkar on behalf of the Corporate Debtor present.

The Corporate Debtor is directed to place on record its annual report for the financial year 2014-15 as is revealed from the winding up order passed by Hon'ble Bombay High Court that such annual report exists. List this matter on Board on 02.07.2024.”

3. Learned Counsel for the Appellant challenging the order submits that the Financial Creditor was directed by the Adjudicating Authority on

01.04.2024 to bring on record latest financial statements of the Corporate Debtor as well as financial statements for the relevant year for the purpose of limitation aspect and burden was on the Financial Creditor to bring all relevant documents. It is submitted that the Court again directed the Corporate Debtor to submit annual report for the financial year 2014-15.

4. We have considered the submissions of the Counsel for the Appellant and perused the record.

5. There can be no quarrel to the direction issued by the Adjudicating Authority on 01.04.2024 to which Financial Creditor was to comply. The court's power to direct any of the parties to produce any relevant document is statutory protected by virtue of Rule 43 of the NCLT Rules, 2016 and Section 424 of the Companies Act, 2013. The annual report for the financial year 2014-15 has been referred to in the order passed by the Bombay High Court relying on which the Adjudicating Authority directed the Corporate Debtor to produce the document. No exception can be taken to the order of the Adjudicating Authority directing the Corporate Debtor to produce the annual report for the financial year 2014-15. However, by the order impugned, no issue regarding limitation has been decided and both the parties are at liberty to make their submissions when the question come for consideration before the Adjudicating Authority in accordance with law.

6. With these observations, we dismiss the appeal.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Anjali/nn