

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

**Company Appeal (AT) (Insolvency) No.1407 of 2023
& I.A. No. 5034 of 2023**

IN THE MATTER OF:

JK Jute Mills Mazdoor Morcha

...Appellant

Versus

Kaledonia Jute and Fibres Pvt. Ltd. & Anr.

...Respondents

Present:

**For Appellant: Mr. Sanjiv Sen, Sr. Advocate with Mr. Ankit Kohli,
Mr. Arjun Aggarwal, Ms. Anjali Singh and Ms.
Radha Gupta, Advocates.**

For Respondents:

**O R D E R
(Hybrid Mode)**

11.01.2024: This Appeal has been filed against the order passed by the Adjudicating Authority (National Company Law Tribunal), Allahabad Bench, Prayagraj in I.A. No.319 of 2023 in C.P. (IB) No.25(ALD)/2020 dated 22.08.2023 by which the I.A. filed by the Appellant has been dismissed. The Appellant prayed for declaration of initiation of the CIRP as fraudulent which came to be dismissed. When this appeal was heard on 23.11.2023 following order was passed:

**“O R D E R
(Hybrid Mode)**

23.11.2023: *Learned counsel for the Appellant submits that by order of the Hon’ble Supreme Court dated 19.11.2020 passed in “Kaledonia Jute and Fibres (P) Ltd. vs. Axis Nirman and Industries Ltd. & Ors., (2021) 2 SCC 403”, ordered to transfer winding*

Cont’d.../

up proceeding which was pending before Allahabad High Court to NCLT to be heard along with the Section 7 application. Learned counsel for the Appellant refers to Para 46 of the judgment, which is to the following effect:

“46. Therefore, the appeal is allowed, the impugned order¹ is set aside and the proceedings for winding up pending before the Company Court (Allahabad High Court) against the first respondent herein, is ordered to be transferred to NCLT, to be taken up along with the application of the appellant herein under Section 7 of IBC. There will be no order as to costs.”

2. *Learned counsel for the Appellant submits that the Section 7 application has already been disposed of by order dated 03.02.2022 in CP No.25(ALD)/ 2020 but no details of Winding Up proceedings are available in the public domain. In view of the above fact, we permit the Appellant to make an appropriate application before the Registry of NCLT, Allahabad Bench to provide copy of proceedings of the Winding Up petition which was transferred from the Allahabad High Court. Registry shall provide certified copy of the entire proceedings to the Appellant within two weeks.*

*List this Appeal on **11.01.2024.**”*

2. In compliance of the order dated 23.11.2023, Appellant has filed an Affidavit on 10.01.2024 stating that Company Petition No.24 of 2015 which has been transferred by the Allahabad High Court to the NCLT, Allahabad Bench has been brought on the record. It is submitted that after transfer of

the said Winding-up Petition from the Allahabad High Court nothing further has been done.

3. Learned counsel for the Appellant submits that since the Winding-up Petition which was transferred by the High Court is still pending, the Appellant shall be satisfied if a direction be issued to the Adjudicating Authority to consider the petition and take a final decision in said Winding-up Petition.

4. In view of the aforesaid, we see no reason to entertain and keep this appeal pending. We dispose of this appeal with observation that the Winding-up Petition which was transferred by the Allahabad High Court to the Adjudicating Authority may be finally disposed of. We make it clear that we are not expressing any opinion on the claim of either of the parties. Appeal is disposed of.

**[Justice Ashok Bhushan]
Chairperson**

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

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

Archana/nn