

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**COURT-V**  
**(Division Bench)**

**Item No.-512**

(IB)-373(PB)/2018

IA-1591/2024, IA-5158/2023, IA-4946/2023, IA-5983/2022, IA-1976/2022,  
IA-2756/2021, IA/1806/2023, IA/1921/2023, IA/2385/2023, Appeal no.  
49/2021, CA-2613/2019, IA-1400/2022, Appeal (IBC)33/2021, IA-4384/2023,  
IA-4412/2023, IA-4541/2023, IA-4558/2023, IA-4562/2023, IA-4595/2023,  
IA-4644/2023, IA-4673/2023, IA-4727/2023, IA-4746/2023

**IN THE MATTER OF:**

Indian Overseas Bank

**.....Applicant**

**Vs.**

M/s. JMD Oils Pvt. Ltd.

**.....Respondent**

**SECTION**

U/s 7 of (IBC) in Liq

**Order delivered on 13.05.2024**

**CORAM:**

**SHRI MAHENDRA KHANDELWAL,  
HON'BLE MEMBER (JUDICIAL)**

**Dr. SANJEEV RANJAN,  
HON'BLE MEMBER (TECHNICAL)**

**HYBRID HEARING (PHYSICAL & VC)**

**PRESENT:**

For the Applicant : Shamik Sanjanwala, Adv.; Shantanu Parmar, Adv.;  
Prabhakar Yadav, Adv. in Company Appeal No.  
33/2021

For the Respondent : Adv Aastha Mehta in IA 5983/2022, Amit Dhall  
Advocate for the respondents No 1 to 3 in IA  
No.1921/23, IA No.1806/23, For Respondent  
no.1 Adv. Rakesh Wadhwa, Adv. Akshay  
Sharma in CA 2613/2019,

For the Liquidator : Adv Gautam Singhal, Adv Rajat Chaudhary, Adv  
Aastha Vishnoi

**ORDER**

**IA-1591/2024:-**

This is the report filed by the Liquidator regarding Consultation with the Stakeholders. Heard Ld. Counsel for the Liquidator. The report is taken on

record with just exceptions. With these observations, the present IA **is disposed off.**

**IA-5158/2023 & IA-4946/2023:-**

Proxy Counsel for the Applicant is present and submitted that the main Counsel is not available today and therefore, sought adjournment. In view of this, list this matter on **02.07.2024.**

**IA-5983/2022:-**

Ld. Counsel for the Applicant is present and submitted that they have filed their rejoinder to the reply filed by the Respondent. However, the rejoinder is not reflected on the e-portal. Ld. Counsel may approach the Registry and cure the defects, if any, so that the same is reflected on the e-portal. Ld. Counsel for the Respondent/GST Department is present and submitted that they have filed their reply. However, the reply is not reflected on the e-portal. Ld. Counsel for GST may approach the Registry and cure the defects, if any, so that the same is reflected on the e-portal. Ld. Counsel for the Liquidator is present and their reply is reflected on the e-portal. List this matter on **02.07.2024.**

**IA-1976/2022:-**

This is an application filed by the Liquidator under Section 60 (5) of the IBC read with Rule 11 of NCLT Rules, 2016 seeking declaration that order/judgment dated 31.03.2022 passed by the Respondent No-1 (Assistant Labour Commissioner) in application No-02/2022, 08/2022 and 09/2022 and further staying the operation of that order and also seeking restraining the Respondent No-1 from issuing any notice/summon to the Applicant in application No-02/2022, 08/2022, 09/2022 and 13/2022 and in any other application pending before R-1.

Heard Ld. Counsel for the Liquidator. It is noted that the order/judgment dated 31.03.2022 was passed by the Assistant Labour Commissioner in terms of Section 7(3)(a) of the Payment of Gratuity Act 1972. Since that order has been passed under by the controlling authority in terms of Payment Gratuity Act 1972, this Adjudicating Authority is not empowered to set aside any order passed by that authority. That order can be challenged before the appropriate forum. Ld. Counsel for the Applicant also submitted that after passing of that order, no coercive steps have been taken so far. Since this Adjudicating Authority has no jurisdiction for quashing the judgment dated 31.03.2022, therefore, the present application is **dismissed without any cost.**

**IA-2756/2021:-**

Ld. Counsel for the Applicant/Liquidator is present. None appears on behalf of Respondent. In view of this, list this matter on **02.07.2024.**

List all other IAs on **02.07.2024.**

**Sd/-**

**(Dr. SANJEEV RANJAN)  
MEMBER (T)**

**Sd/-**

**(MAHENDRA KHANDELWAL)  
MEMBER (J)**