

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

Item No. 127
(IB)-711(PB)/2019

IN THE MATTER OF:

OGO USA INC.

.... Applicants/petitioners

v.

Multiwal Pulp and Board Mills Pvt. Ltd.

.... Respondent

Order under Section 7 of the IBC, 2016

Order delivered on 21.05.2019

Coram:

CHIEF JUSTICE (RTD.) M. M. KUMAR
HON'BLE PRESIDENT

SH. S. K. MOHAPATRA
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant/petitioner : Ms. Purti Gupta, Mr. Akhil Koshy, Advs.
For the respondent : Mr. Mrinal Kr. Sharma, Adv.

ORDER

This order shall dispose of (IB)-711(PB)/2019, (IB)-724(PB)/2019 & (IB)-725(PB)/2019.

The necessity of going into the merit of the claim made by the petitioners in abovesaid petitions is obviated because in respect of the Corporate Debtor we have admitted another petition namely Corporation Bank. v. M/s. Multiwal Pulp and Board Mills Private Limited, [(IB)-343(PB)/2019] vide order dated 21.05.2019 (pronounced today). As per the provisions of Section 11 of the Code, 2016 another Corporate Insolvency Process cannot be initiated in respect of the corporate debtor that is undergoing a corporate insolvency resolution process. However, it is needless to add that the petitioners would be entitled to file their claim before the Insolvency






Professional namely Mr. Manish Agarwal, having registration number IBBI / IPA-002 / IP-N00223/ 2017-18 / 10904 resident of 707, Saket, Opp. Rohtash Sweets, Meerut, Uttar Pradesh, 250001 with email - id manishfcs@gmail.com in accordance with law which shall be duly considered.

It is made clear that if for any reason the Appellate Tribunal sets aside in the order dated 21.05.2019 then the petitioner shall be entitled to file appropriate application for revival of the petition or file a fresh petition.

The petitions are dismissed as having been rendered infructuous with liberty in terms of the order.



(M. M. KUMAR)
PRESIDENT



(S. K. MOHAPATRA)
MEMBER (TECHNICAL)