

DIVISION BENCH

ITEM NO.122

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

IA No.338/2020 & IA No.339/2020 IN CP (IB) No.75/ALD/2019

CORAM:

- 1. SHRI PRAVEEN GUPTA,
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI ASHISH VERMA,
HON'BLE MEMBER (TECHNICAL)**

Date of Order: 15th July, 2024

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	STATE BANK OF INDIA V/S M/S FEDDERS ELECTRIC & ENGINEERING LTD
UNDER SECTION	7 IBC (RESOLUTION PLAN APPROVED)

COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:

Sh. Rituvendra Singh with : *For the Applicant in both IAs*
Sh. Jayesh Gutpa, Adv.

Sh. Dhruv Gupta, Adv. : *For Res. No.1 in both IAs*

Ms. Madhumita Bhattacharjee, Adv. : *For Res. Nos.3, 4, 12 & 13 in
IA No.338/2020 & Res. Nos.3, 4, 8
& 9, in IA No.339/2020*

Sh. Alok Kumar Kuchhal, Adv. : *For the Res. No.6 in both IAs*

Sh. Varun Srivastava, Adv. : *For the Res. No.8 in both IAs*

ORDER

Ld. Counsels representing the parties are present through VC.

IA No.338/2020

- Ld. Counsel representing the Financial Creditor, namely, State Bank of India states that this application has been filed U/s 66 of the Code for impleading several of the Respondents, against whom the present avoidance/fraudulent transaction application has been filed. Despite repeated opportunities granted to the Respondents in the past for their representation in the present application and to file reply, only either few of them have come before this Tribunal or some of them have only filed their

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reply.

2. It is noted that the reply on behalf of the Respondents No.1, 6, 7, 8 & 25 have been filed and the copy in advance have been received by the Ld. Counsel representing the Applicant.
3. The rejoinder to the replies has also been filed with respect to the Respondents No.1, 6, 8 & 25. Ld. Counsel representing the Applicant however, seeks time to file rejoinder to the reply filed on behalf of the Respondent No.7. There is also a representation on behalf of the Respondent Nos.3, 4, 12 & 13 and sought accommodation as a last opportunity for filing reply due to change of its Counsel.
4. Since as stated above, despite repeated opportunities, there has not been representation with respect to all the Respondents, therefore in terms of an order dated 2nd February, 2024, we have directed for affecting service by way of the substituted mode of service by making publications in the newspapers.
5. An affidavit of service has been filed *vide* Diary No.829 dated 10th April, 2024 attaching therewith the copies of the publications made in the relevant newspapers i.e. English and Vernacular so as to affect service upon all the remaining Respondents.
6. Despite the said publication, except for the aforesaid Respondents, there is no representation nor any reply received.
7. In view of the above background, all the Respondents are set Ex-parte except Respondents No.1, 3, 4, 6, 7, 8, 12, 13 and 25.
8. The Respondents No.3, 4, 12 & 13 to file their reply within a period of 10 days positively as being the last opportunity with advance copy to be supplied to the Ld. Counsel representing the Applicant.
9. The Ld. Counsel representing the Applicant is further granted 10 days time to file rejoinder to the reply of Respondent No.7.
10. In view of the above situation, there is a request jointly made by the respective Counsels for adjournment of the matter, which is adjourned for

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further hearing on 2nd August, 2024, to come up at 2:30 pm.

IA No.339/2020

1. Ld. Counsel representing the Financial Creditor, namely, State Bank of India states that this application has been filed U/s 43 of the Code for impleading several of the Respondents, against whom the present preferential transactions application has been filed. Despite repeated opportunities granted to the Respondents in the past for their representation in the present application and to file reply, only either few of them have come before this Tribunal or some of them have only filed their reply.
2. It is noted that the reply on behalf of the Respondents No.1, 6 & 7 have been filed and the copy in advance have been received by the Ld. Counsel representing the Applicant.
3. The rejoinder to the replies also has been filed with respect to the Respondents No.1 & 6. Ld. Counsel representing the Applicant however, seeks time to file rejoinder to the reply filed on behalf of the Respondent No.7. There is also a representation on behalf of the Respondent Nos. 3, 4, 8 & 9 and sought accommodation as a last opportunity for filing reply due to change of its Counsel.
4. Since as stated above, despite repeated opportunities, there has not been representation with respect to all the Respondents, therefore in terms of an order dated 2nd February, 2024, we have directed for affecting service by way of the substituted mode of service by making publications in the newspapers.
5. An affidavit of service has been filed *vide* Diary No.829 dated 10th April, 2024 attaching therewith the copies of the publications made in the relevant newspapers i.e. English and Vernacular so as to affect service upon all the remaining Respondents.
6. Despite the said publication except for the aforesaid Respondents, there is no representation nor any reply received.
7. In view of the above background, all the Respondents are set Ex-parte

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except Respondents No.1, 3, 4, 6, 7, 8 & 9.

8. The Respondents No.3, 4, 8 & 9 to file their reply within a period of 10 days positively as being the last opportunity with advance copy to be supplied to the Ld. Counsel representing the Applicant.
9. The Ld. Counsel representing the Applicant is further granted 10 days time to file rejoinder to the reply of Respondent No.7 with advance copy to be supplied to the other side.
10. Rejoinder, if any, with respect to the reply to be filed on behalf of the Respondents No. 3, 4, 8 & 9 be also filed within a period of one week with advance copy to be supplied to the other side.
11. In view of the above situation, there is a request jointly made by the respective Counsels for adjournment of the matter which is adjourned for further hearing on 2nd August, 2024, to come up at 2:30 pm.
12. No further adjournments would be given to any of the parties.

-Sd-
(Ashish Verma)
Member (Technical)

-Sd-
(Praveen Gupta)
Member (Judicial)

15th July, 2024

Avaneesh Kumar Singh
(Stenographer)