

DIVISION BENCH

ITEM NO.118

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

**IA No.278/2020, IA No.179/2023, IA No.211/2023, IA No.331/2023, &
IA No.166/2024 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: 12th 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:

- Ms. Gunjan Jadwani, Adv. : *For the Applicant/ SRA in all IAs*
- Ms. Damini Srestha, Proxy for Sh. Amar Vivek, Adv. : *For the Respondent in IA No.278/2020*
- Sh. Sunil Kumar Gupta, Adv. : *For the Res./ EPFO Regional Office in IA No.179/2023*
- Sh. Ashwani Kumar Sharma, Adv. : *For the Res./ Commissioner Excise and Taxation, H.P. Shimla in IA No.211/2023*
- Sh. Sanjay Goswami, Adv. : *For the Res./SEBI & BSE in IA No.331/2023*
- Sh. Brahmdeo Dwivedi, Adv. : *For the Res./ EPFO District Office, Nahan, H.P. in IA No.166/2024*

ORDER

Ld. Counsels representing their respective parties are present.

IA No.179/2023

- 1.** Ld. Counsel, Sh. Sunil Kumar Gupta representing the non-applicant/ respondent i.e. EPFO Regional Office, New Delhi seeks a short accommodation to address the argument.
- 2.** Let this application be put up on 22nd July, 2024 for further hearing.

-Sd-

-Sd-

IA NO.211/2023

1. This application has been filed by the Successful Resolution Applicant seeking setting aside of the order dated 15.12.2021 and 20.01.2022 passed by the Respondent No.2 i.e. the Commissioner Excise and Taxation, Himachal Pradesh, Shimla.
2. It is submitted by the Ld. Counsel representing the Applicant that in the present case, the CIRP has been initiated by way of an admission order passed on 14.08.2019, and accordingly the publications were made inviting the claims, for which the last date for submission of claims was 30.08.2019. The 90 days period expired on 14.11.2019, by that time no claims have been received on behalf of the respondent no.2. The Applicant submitted the Resolution Plan, which was approved in the meeting of the CoC held on 18.06.2021, which was approved by the Adjudicating Authority on 06.10.2021.
3. It is submitted by the non-applicant/ respondent that the claim in Form B was submitted on 23.10.2021, which is attached at page no.62 of the present application.
4. The RP has adjudicated the claim of the respondent *vide* order dated 11.11.2021, which is placed at page no.67. Thereafter, the respondent passed the impugned order dated 15.12.2021, which was also dealt with and the reply to the said impugned order dated 15.12.2021 was sent by the RP to the respondent no.2 in terms of its communication dated 23.12.2021. Thereafter, it is stated by the Ld. Counsels for both the parties that the order dated 20.01.2022 has been passed for recovery of the dues as the arrears of the land revenue. Since, then some more communications have taken place.
5. Ld. Counsels representing both the parties have advanced their arguments.
6. We have heard both the parties.
7. Arguments heard. Order reserved.

-Sd-

-Sd-

8. The written submissions be also filed by both the parties within a period of three days positively. The judgments if any, relied upon by both the parties would be included in the written submissions. However, it is made clear that no documents whatsoever would be attached with the written submissions.

IA NO.331/2023

1. At the request of the Ld. Counsel representing the Applicant, IA No.331/2023 is adjourned for further hearing on 29th July, 2024.
2. IA No.278/2020 and IA No.166/2024 be also put up on 29th July, 2024.

-Sd-
(Ashish Verma)
Member (Technical)

-Sd-
(Praveen Gupta)
Member (Judicial)

12th July, 2024

Kavya Prakash Srivastava
(Stenographer)