

SPECIAL BENCH ITEM NO. 108 to 121

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

CORAM:

- 1. SHRI ASHOK KUMAR BHARDWAJ,
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI ASHISH VERMA,
HON'BLE MEMBER (TECHNICAL)**

Date of Order: 11th July, 2023

Attendance-Cum-Order Sheet of the Hearing.

108- CP (IB) No.371/ALD/2019

NAME OF THE COMPANY	RAJ KUMAR SHARMA V/S JAIPRAKASH ASSOCIATES LTD
UNDER SECTION	7 IBC

109- CP (IB) No.372/ALD/2019

NAME OF THE COMPANY	ARUN SHARMA V/S JAIPRAKASH ASSOCIATES LTD
UNDER SECTION	7 IBC

110- CP (IB) No.108/ALD/2022

NAME OF THE COMPANY	STATE BANK OF INDIA V/S JAIPRAKASH ASSOCIATES LTD.
UNDER SECTION	7 IBC

111- CP (IB) No.23/ALD/2019

NAME OF THE COMPANY	JAYCON INFRASTRUCTURE LTD V/S M/S JAIPRAKASH ASSOCIATES LTD
UNDER SECTION	9 IBC

112- CP (IB) No.216/ALD/2019

NAME OF THE COMPANY	PHOSPHATE INDIA PVT LTD V/S JAIPRAKASH ASSOCIATES LTD
UNDER SECTION	9 IBC

113- CP (IB) No.48/ALD/2021

NAME OF THE COMPANY	KANODIA INFRATECH LTD V/S JAIPRAKASH ASSOCIATES LTD
UNDER SECTION	9 IBC

114- CP (IB) No.62/ALD/2022

NAME OF THE COMPANY	VOLTAS LIMITED V/S JAIPRAKASH ASSOCIATES LIMITED
UNDER SECTION	9 IBC

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115- CP (IB) No.95/ALD/2022

NAME OF THE COMPANY	R.K. ROAD LINES V/S JAIPRAKASH ASSOCIATES LIMITED
UNDER SECTION	9 IBC

116- CP (IB) No.96/ALD/2022

NAME OF THE COMPANY	DIAMOND ROAD LINES V/S JAIPRAKASH ASSOCIATES LIMITED
UNDER SECTION	9 IBC

117- CP (IB) No.97/ALD/2022

NAME OF THE COMPANY	ANAND CARRYING CORPORATION V/S JAIPRAKASH ASSOCIATES LIMITED
UNDER SECTION	9 IBC

118- CP (IB) No.98/ALD/2022

NAME OF THE COMPANY	MAHAVIR ROADLINES V/S JAIPRAKASH ASSOCIATES LIMITED
UNDER SECTION	9 IBC

119- CP (IB) No.99/ALD/2022

NAME OF THE COMPANY	LUCKY FREIGHT CARRIERS V/S JAIPRAKASH ASSOCIATES LIMITED
UNDER SECTION	9 IBC

120- CP (IB) No.23/ALD/2023

NAME OF THE COMPANY	SHYAM COAL COMPANY V/S JAIPRAKASH ASSOCIATES LTD.
UNDER SECTION	9 IBC

121- CP (IB) No.24/ALD/2023

NAME OF THE COMPANY	AWADH ENTERPRISES V/S JAIPRAKASH ASSOCIATES LTD.
UNDER SECTION	9 IBC

COUNSEL APPEARED THROUGH VIDEO CONFERENCING:

Sh. Devendra Singh, Adv. : *For the Financial Creditor in item no.108 & 109*

Sh. R.P. Agarwal, Sr. Adv. assisted by Sh. Abhishek Tripathi, Adv.
: *For the Corporate Debtor*

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ORDER

1. Ld. Sr. Counsel, Sh. R.P. Agarwal, assisted by Sh. Abhishek Tripathi, Advocate appearing for the Respondent/ Corporate Debtor submitted that having an impression that the captioned petitions would be taken up for hearing along with CP (IB) No.330/ALD/2018, he could not prepare his argument to be put forth in these petitions. Having submitted so, he prayed for a short adjournment. At his request, hearing in all these cases is deferred till 24th July, 2023 at 02:30 PM, when CP (IB) NO.330/ALD/2018 is fixed for hearing.
2. At this stage, Sh. Devendra Singh, Ld. Counsel appearing for the petitioners in CP (IB) No.371/ALD/2019 and CP (IB) No.372/ALD/2019 submitted that there is no scope of connectivity between the different petitions filed under Section 7/ 9 of IBC, 2016, merely because the same are preferred against the same Corporate Debtor. There is sufficient merit in the submission put forth by the learned counsel for the petitioner.
3. We have not said that the captioned petition is connected with CP (IB) No.330/ALD/2018.
4. Nevertheless, undoubtedly if the Corporate Debtor is admitted to CIRP in one petition, then all other petitions would become infructuous, and the creditors would be entitled to stake their claim in the pending CIRP. It is in this backdrop that for the sake of convenience the petitions filed against same Corporate Debtor are listed together, so that the concerned Bench is aware about the Corporate Debtor, while considering other petitions filed against it U/s 7/ 9 of IBC, 2016. Nevertheless, if the part heard petition is not admitted then the Petitioner in each Petition would have an independent right to pursue the Petition filed by him/it. Besides, if even after admission of any of the Petition, the resultant CIRP does not culminate in approval of Resolution Plan by this Adjudicating Authority and the CIRP terminates pre-maturely, the Petitioners in infructuous Petitions would be entitled to revive the same.
5. It is further made clear that earnest endeavour would be made to take up the concerned petitions for disposal on the next date of hearing i.e. 24th July, 2023.
6. The photocopy of this order be placed on record in all the connected matters.

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(Ashish Verma)
Member (Technical)

11th July, 2023

Kavya Prakash Srivastava
(Stenographer)

-Sd-

(Ashok Kumar Bhardwaj)
Member (Judicial)