

## NATIONAL COMPANY LAW TRIBUNAL

राष्ट्रीयकंपनीविधिअधिकरण

CUTTACK BENCH

कटकखंडपीठ

ORDER OF THE HEARING ON 7<sup>th</sup> May, 2024, 10:30 A.M.

CP (IB) No. 111/CTB/2020, IA (IB) No. 18/CB/2024, IA (IB) No. 37/CB/2024,  
 New IA (IB) No. 94/CB/2024, New IA (IB) No. 133/CB/2024, New IA (IB) No.  
 137/CB/2024

Coram: 1. Hon'ble Member (Judicial), Shri P. Mohan Raj  
 2. Hon'ble Member (Technical), Shri Kaushalendra Kumar Singh

Name of the Company	Indian Bank -Vs- OCL Iron & Steel Ltd.
Under Section	7 IBC

**Hearing through: VC and Physical (Hybrid) Mode**

For Petitioner (s) Mr. Jishnu Saha, Sr. Adv  
 Mr. Supriyo Gole, Adv.  
 Ms. Madhuja Barman, Adv.  
 Ms. Pami Rath, Sr. Adv.  
 Mr. Nipun Gautam, Adv.  
 Mr. Arpit Sarangi Adv.  
 Mr. Joy Saha, Sr. Adv.,  
 Ms. Tanvi Luhariwala, Adv.  
 Mr. Saroj Kumar Sahoo, Adv.

For Respondent (s) Mr. Sahasransu Sourav, Adv.  
 Ms. Vinita Hombalkar, Adv.  
 Mr. Supriyo Mahjan, Adv.  
 Mr. Prakul Khurana, Adv.  
 Mr. Yash Tandon, Adv.  
 Mr. Ankit Sareen, Adv.  
 Mr. Shantanu Das, Adv.,  
 Mr. Vishnu Sriram, Adv.  
 Mr. Pratikshya Agarwal, Adv.  
 Mr. Ramashish Acharya, Adv

**ORDER****IA (IB) No. 37/CB/2024**

Ld. Sr. Counsel Mr. Jishnu Saha appeared along with Mr. Supriyo Gole for the applicant. Ld. Counsel Mr. S. Sourav appeared for R1. For R11 Ld. Counsel Ms. Vinita Hombalkar is appeared. Both represents that copy of the additional affidavit not served upon them. Additional affidavit has been filed

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in the court on 01.04.2024. petitioner is directed to serve the copy upon all the respondents and all the respondents are on receipt of the copy of additional affidavit filed their response within ten days. List the matter for hearing by 24.06.2024.

**IA (IB) No. 18/CB/2024**

Ld. Counsel Mr. Nipun Gautam appeared for the applicant. Ld. Counsel Mr. S. Sourav appeared for the respondent. Pleadings completed. List the matter for hearing by 24.06.2024.

**New IA (IB) No. 94/CB/2024**

Ld. Counsel Mr. Supriyo Gole appeared for the applicant. This is an application filed to set aside the impugned order dated 09.02.2024 in Annexure-G found in page 69 of the petition. The counsel argued that the amount claimed in the impugned notice is pertaining to the period prior to the admission of corporate debtor into CIRP. In this case, resolution plan was admitted on 20<sup>th</sup> March, 2024. On perusal of the impugned order shows that the amount is claimed for the consumption of water for the month of January, 2024. In this regard, petitioner counsel argued that even though it is mentioned as such the amount claimed in the impugned order is only pertaining to the period prior to the CIRP and prior to the approval of the resolution plan. In this regard, counsel wants to file an additional affidavit explaining this aspect. Hence, at his request to file additional affidavit matter adjourned. List the matter on 24.06.2024.

**New IA (IB) No. 133/CB/2024**

Ld. Sr. Counsel Mr. Joy Saha appeared for the applicant. This is an application filed by the successful resolution applicant/corporate debtor to cancel the two orders of the respondent GST Department dated 17.04.2024 demanding a sum of Rs. 39,62,07,040/- and a sum of Rs. 4,75,02,784/-. It is submitted that the corporate debtor was admitted into CIRP on 20.09.2021, the demand made by the GST Authority is for the period from April, 2018

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to March, 2021. It appears that the GST demand is pertaining to the period prior to CIRP period. It appears that during CIRP the respondent GST Department submitted the claim and the applicant also paid the amount as provided in the resolution plan, the amount was received by the respondent. Now the respondent in pursuance of the show cause notices dated 27.12.2023 passed orders dated 17.04.2024. On the applicant side relied upon the Apex Court judgment Ghanashyam Mishra And Sons Private Limited Vs Edelweiss Asset Reconstruction Company Limited and argued that any dues prior to the admission of corporate debtor into CIRP will stand extinguish, once the resolution plan is approved. The applicant side apprehend that the orders dated 17.04.2024 may at any time be implemented and sought an interim injunction. In the scenario since applicant side has prima facie made out a case, we are inclined to pass an interim order, accordingly respondent is hereby restrained to implement/execute the orders dated 17.04.2024 found in page 139 and 152 of the application till the next date of hearing. Petitioner is directed to send notice to the respondent through speed post and by email. Registry also directed to send notice by email to the respondent, enclosing today's daily order to the respondent by email. List the matter by 24.06.2024.

**New IA (IB) No. 137/CB/2024**

This is an application filed under Section 60(5) of IBC r/w Rule 11 of NCLT Rules, 2016 for urgent listing of IA (IB) No. 133/CB/2024. Heard, IA (IB) No. 137/CB/2024 is Allowed and Disposed of.

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**Kaushalendra Kumar Singh**  
**Member (Technical)**

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**P. Mohan Raj**  
**Member (Judicial)**