

NATIONAL COMPANY LAW TRIBUNAL  
COURT-V, MUMBAI BENCH

209. IA/3077/2023 IA/1969/2023 IN C.P. (IB)/117(MB)2021

**IN THE MATTER OF**

SREI EQUIPMENT FINANCE LIMITED

VS

AMW Commercial Vehicle Applications Limited

Section 7 of the Insolvency & Bankruptcy Code, 2016

**Order Delivered on 29.04.2024**

CORAM:

MS. REETA KOHLI  
MEMBER (J)

MS. MADHU SINHA  
MEMBER (T)

**Appearance through VC/Physical/Hybrid Mode:**

For the Applicant in IA/1969/2023: Adv. Meghna Gupta (PH)

For the Respondent in IA/1969/2023: Adv. Saurabh Shrivastava (PH)

For the Applicant in IA/3077/2023: Adv. Meghna Gupta (PH)

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**ORDER**

**I.A. 1969/2023**

The Ld. Counsel for the Respondent prays for short adjournment. In view of the request made and in the interest of justice, adjourned to **14.05.2024**. The Ld. Counsel for the Applicant has drawn our attention to the email dated 18.03.2022 written by the Respondent stating as under:

*“This has with reference to the enclosed letter received from AMW and refer your visit to our facility dt. 17.03.2022, please find enclosed pictures of mould & checking fixture lying at our end. As informed, we have balance payment to be received from AMW amount Rs. 660889.00.*”

*Refer to our discussion, we are under tremendous pressure from our management to scrap these tooling asap, non-receipt of payment within a month will force us to scrap the tool.*

*Please be noted that, once toolings scrapped, no claims will be entertained in future.*

In view of the contents of this letter, the Ld. Counsel for the Applicant apprehends that the Respondent/management may during the pendency of the present I.A. scrap these tools lying with them. At this stage, we deem it appropriate to direct the Respondent not to scrap of any of the items mentioned therein during the pendency of the present application.

**I.A. 3077/2023**

The Ld. Counsel for the Applicant prays for short adjournment. In view of the request made, adjourned to **14.05.2024**.

Sd/-  
MADHU SINHA  
Member (Technical)  
Shubham

Sd/-  
REETA KOHLI  
Member (Judicial)