

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1

ITEM No. 2 - IA/573(AHM)2023
In
CP(IB) 669 of 2019

Proceedings under Section 9 IBC

IN THE MATTER OF:

Harish Vedkumar Anand Proprietor of Anand Enterprises**Applicant**

V/s

Radha MadhavCorporation Ltd**Respondent**

Order delivered on: 17/05/2023

Coram:

Mr.Shammi Khan, Hon'ble Member(J)

Mr.Kaushalendra Kumar Singh, Hon'ble Member(T)

PRESENT:

For the Applicant : Mr. Jay Unwala, Sr. Adv. a/w Mr. Dhruvin Dossani, Adv.

For the Respondent :

ORDER

Ld. Counsel for applicant appears and submits that the application is filed under Section 60(5) of IBC, 2016 seeking for quashing and setting aside the attachment letter dated 27.09.2022 of the Deputy Commissioner, UTGST, Daman & Anr. He further submits that in this case, the Resolution Plan was already approved on 01.08.2022 and the respondent has filed appeal in the Hon'ble NCLAT as against the rejection of their claim and also for not making payment to them as per the judgement of Hon'ble Supreme Court in the case of Rainbow Papers Limited. The matter is still pending in the NCLAT. The Applicant came to know about the order of attachment there only before the NCLAT.

We have heard the Ld. Counsel. Issue notice to the respondent. The Ld. Counsel undertakes to serve notice upon the respondent by speed post and e-mail and to file affidavit of service of notice within seven days. After receiving the notice, respondent to file an affidavit in reply within two weeks by giving copy to the other side. Rejoinder, if any, be filed within seven days thereafter.

List the matter for further consideration on 11.07.2023.

-SD-

-SD-

KAUSHALENDRA KUMAR SINGH
MEMBER (TECHNICAL)

SHAMMI KHAN
MEMBER (JUDICIAL)

Anuj