

IN THE NATIONAL COMPANY LAW TRIBUNAL, AHMEDABAD
COURT - 2

ITEM No 223- IA 177 of 2021
ITEM No 224- IA 178 of 2021
In
CP(IB) 482 of 2019

Proceedings under Section 9 IBC

IN THE MATTER OF:

Elcen Machines Pvt Ltd
V/s
MAKTEL Power Ltd

.....Applicant

.....Respondent

Order delivered on ..13/09/2022

Coram:

Dr.Deepti Mukesh, Hon'ble Member(J)
Ajai Das Mehrotra, Hon'ble Member(T)

PRESENT:

For the Applicant/ RP	: Mr. Atul Sharma, Adv.
For the Respondent	: Mr. Aadit Sanjanwala, Adv.
	: Mr. Shrikrishna Acharaya, Adv.

ORDER

IA 177 of 2021

During the hearing Learned Counsel for non-applicant respondent, IP Tutorial LLP made a request that, the leave and license agreement is expiring on 01.04.2023. He further submitted that the matter can be resolved amicably by discussing the issue with the liquidator and seeks time to take instructions.

List on 21.10.2022.

IA 178 of 2021

Heard, Learned Counsel for both the sides. Learned Counsel for the applicant states that they have requested that their dues be considered as first charge for an amount of Rs.1,74,499/- and be paid accordingly. Subject to the same, the corporation does not have objection in giving vacant possession of the property, as prayed by the

liquidator. Learned Counsel for the liquidator states that in view of the latest judgment passed by the Hon'ble Supreme Court in case of Kushal Limited, the priority and treatment of the creditors in the liquidation process are well discussed and determined. Hence, the liquidator is bound by the said judgment, and shall take appropriate steps accordingly. Learned Counsel for non-applicant respondent Vadodara Municipal Corporation seeks four to six week time to take instructions and given undertaking handling over possession, after considering the said judgment of the Hon'ble Supreme Court.

List on 21.10.2022.

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**AJAI DAS MEHROTRA
MEMBER (TECHNICAL)**

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**DR. DEEPTI MUKESH
MEMBER (JUDICIAL)**