

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

116. Company Appeal/35/2023

I.A. 438/2023

I.A. 3919/2022

In

C.P.(IB)-3806(MB)/2018

CORAM: MS. LAKSHMI GURUNG, MEMBER (J)
SHRI. CHARANJEET SINGH GULATI, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **01.02.2024**

NAME OF THE PARTIES: ISMT Limited

V/s.

Asmi Metal Products Pvt Ltd.

SECTION 9 OF IBC, 2016

ORDER

Hearing through: VC and Physical (Hybrid Mode)

Company Appeal/35/2023

Adv. Payoja Gandhi for Applicant in Company Appeal No. 35/2023 and Adv. Avinash R Khanolkar for Respondent/Liquidator are present.

This a Company Appeal filed by the Regional Provident Fund Commissioner-II challenging the order dated 17.10.2022 of the liquidator in which it is mentioned that the demanded amount of Rs. 5,96,946/- is not covered by 36(4)(a)(iii) of the code and EFP department would be paid in accordance with Section 53 of IBC. However, counsel for the EPF submitted that the amount is under section 7Q and which is covered under section 36(4)(a)(iii). As per the claim form the amount of Rs. 5,96,946/- is on account of order under section 14B and Section 7Q of EPF and Miscellaneous Provisions Act 1952. The counsel is unable to reply how much amount is due under section 14B and how much amount is due under section 7Q.

She undertakes to file additional affidavit giving details of the amount due under the two sections within two weeks after serving advance copy to the other side.

List on **18.03.2024**.

I.A. 3919/2022

Registry as well as Applicant are directed to issue notice to Nodal Officer of Income Tax Department clearly intimating the next date of hearing. The applicant shall file service affidavit along with copy of notice sent to Nodal Officer of Income Tax Department, postal receipt, track report, email etc. at least two days before the next date of hearing.

Registry is also directed to make available the copy of the notice, postal receipt and track report/acknowledgement before this Bench on the next date of hearing. List on **18.03.2024**.

I.A. 438/2023

This is an application filed by Liquidator for extension of liquidation period by 8 months from 29.09.2022. However, this application is pending with this court and not been decided yet. Counsel for the Applicant submits that there are two litigations pending one I.A. 3919/2022 and Company Appeal/35/2023.

Heard the submission of the counsel and the averment in the application. We inclined to grant extension of liquidation by 8 months from today.

I.A. is **allowed** and **stands disposed of**.

Sd/-
CHARANJEET SINGH GULATI
Member (Technical)
--Rajeev--

Sd/-
LAKSHMI GURUNG
Member (Judicial)