

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

107. I.A. 359/2024
Company Appeal/35/2023
I.A. 3919/2022
In
C.P.(IB)-3806(MB)/2018

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

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **22.04.2024**

NAME OF THE PARTIES: ISMT Limited

V/s.

Asmi Metal Products Pvt Ltd.

Appearance

For Liquidator : Adv. Avinash R Khanolkar a/w. Adv. Surekha Yadav

For Appellant : Adv. Payoja Gandhi

SECTION 9 OF THE IBC, 2016

ORDER

Hearing Through: Virtually and Physical (Hybrid) Mode

I.A. 3919/2022

Pursuant to order dated 01.02.2024, the applicant has filed service affidavit. On perusal of the service affidavit, it is revealed that the notice has been served on ITO Ward 8(1), Pune. However, service has not been effected on the Nodal Officer in accordance with circular dated 17.03.2023 issued by Income Tax

Department. Ld. counsel for the applicant undertake to serve the notice on the Nodal Officer and file service affidavit. List on **26.06.2024**.

Company Appeal/35/2023

Ld. counsel for the liquidator has relied on judgement in the case of **Shri Addanki Haresh Vs. Recovery Officer, Employees Provident Fund Organisation** in IA No. 232/2022 in C.P. (IB) No. 320/BB/2019 dated 20.07.2023.

Pointed query was put to the counsel for the EPFO whether this order has been challenged by the PF department but she is not aware. Ld. counsel for the liquidator submits that he has checked the NCLT website as well as Hon'ble NCLAT website and submits that no appeal has been filed against this order.

Ld. counsel for the EPFO has relied on judgement of **Shri Manish Kumar Bhagat Vs. M/s. N. A. Rota Machines & Moulds India**.

Heard both sides; liberty is granted to file written submissions within one week and **order is reserved**.

I.A. 359/2024

This application has been filed by the liquidator for taking on record the Progress Report for the quarter ended 31st December 2023.

Heard the counsel and accordingly, the report is taken on record. As no further orders are required, I.A. is **allowed** and stands **disposed of**.

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

Sd/-
LAKSHMI GURUNG
Member (Judicial)