

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 116
TA (IBC)- 06(PB)/2024

IN THE MATTER OF:

KiranaKart Technologies Private Limited Petitioner
Vs	
Stellar Value Chain Solutions Private LimitedRespondent

Order under Rule 16(d) NCLT , 2016

Order delivered on 16.02.2024

CORAM:

JUSTICE RAMALINGAM SUDHAKAR
HON'BLE PRESIDENT

(HEARING THROUGH PHYSICAL MODE & VC)

PRESENT:

For the Petitioner	: Adv. Archana Lakhotia
For the Respondent	: Adv Sanjeevi Seshadri, Adv Abhishek Kale, Adv Parikshith K, Adv Shalvika Nachankar, Adv Anjali Sharma

ORDER

The prayer made in this transfer application reads as follows:-

- a. Pass an order directing the Company Petition (IB) No. 814 of 2023 pending before the Hon'ble National Company Law Tribunal, Mumbai Bench VI to be clubbed together with the Company Petition (IB) No. 547 of 2023 pending before the Hon'ble National Company Law Tribunal, Mumbai Bench V, and both the petitions be transferred to the same bench of the Hon'ble National Company Law Tribunal, Mumbai; and
- b. Pass an ad interim ex-parte order directing stay of further proceedings in Company Petition (IB) No. 814 of 2023 pending before the Hon'ble National Company Law Tribunal, Mumbai Bench VI and in Company Petition (IB) No. 547 of 2023 pending before the Hon'ble National Company Law Tribunal, Mumbai Bench V till the pendency of the present application; and
- c. Pass any further orders that this Hon'ble Tribunal may deem fit in the facts and circumstances of the case.

CP (IB)-814/2023 is pending before Bench-VI, NCLT, Mumbai and CP (IB)-547/2023 is pending before Bench-V, NCLT, Mumbai. Both are Section 9 petitions and each case has separate and distinct cause of action. Accordingly, while the Applicant's counsel wants it to be heard together, Respondent's counsel's plea is that it can be before any Bench but these matters should be heard separately so that the facts of one case does not lead to confusion in the mind of the Bench in the other case.

Accordingly, the objection of the Respondent is accepted. However, for the convenience of the parties and for better adjudication, the present transfer application **TA (IBC)- 06(PB)/2024 stands allowed and CP (IB)-547/2023 is pending before Bench-V stands transferred to Bench-VI, NCLT, Mumbai. However, it is made clear that each case will be heard separately at the discretion of the Bench.**

-Sd/-
(RAMALINGAM SUDHAKAR)
PRESIDENT

16.02.2024
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