

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

108. C.P.(IB)-426(MB)/2022

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 **17.04.2024**

NAME OF THE PARTIES: Nashik Workers Union Through Its
Secretary Mr. Santosh Murlidhar Kakade
V/s.
Premium Tools Private Limited

Appearance:

For the Petitioner: Adv. Yahya Batatawala

For the Respondent: Adv. Arjun Amanchi (VC)

SECTION 9 OF IBC, 2016

ORDER

HEARING THROUGH: VC AND PHYSICAL (HYBRID) MODE

1. Pursuant to order dated 29.01.2024, the Corporate Debtor has filed compilation of documents including the copy of review petition bearing Petition No. 3/2023 which was tendered across the bar on 11.03.2024. After perusal of the same, we note that the prayer clause 'd' in Writ Petition No. 5354/2021 which is pending before Hon'ble Bombay High Court is as follows:

d) *Pending the hearing and final disposal of the present petition this Hon'ble Court be pleased to stay the execution, implementation and operational of the recovery certificates dated nil in formed to petitioner on 07th Feb 2020 of Application IDA No. 13 of 2019 as also notices issued on 8th May 2020, 15th May 2020, 1st June 2020 by Ld. Tehsildar, Nashik, and all the*

proceedings initiated as an out come of the said illegal certificate.

2. The Hon'ble Bombay High Court has passed an order dated 28.11.2023 granted ad interim relief in following terms:

5. In view of the above, there shall be ad-interim order in terms of prayer clause (d) in operation from today. It shall be ensured by Mr. Pakale's clients that the instructions under the pay positive system shall be provided by the Petitioners to its banker in advance so as to ensure that the cheque does not get dishonoured.

3. We, thus, note that there is stay in the execution and operation of the recovery certificate. Hence, the matter cannot move forward. In view of the above, list on **03.07.2024**.

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

Sd/-
LAKSHMI GURUNG
Member (Judicial)