
(2025) 01 NCLAT CK 1683

In the National Company Law Appellate Tribunal, Pricipal Bench, New Delhi

Case No : Company Appeal (AT) (Insolvency) No. 161 of 2025

Manbhum Ispat Pvt. Ltd.

APPELLANT

Vs

CA Santanu Brahma, Liquidator of Corporate Debtor & Ors.

RESPONDENT

Date of Decision : 28-01-2025

Acts Referred:

Citation : (2025) 01 NCLAT CK 1683

Hon'ble Judges : Ashok Bhushan, Chairperson; Barun Mitra, Member (T); Arun Baroka, Member (T)

Bench : Full Bench

Advocate : Abhijeet Sinha, Siddhartha , Ankita Upadhyay Agarwal, Naman Sherstra, Abir Lal Ghosh, Mamsha Gupta, Chirantan Saha, Shaunak Mitra, Driptao Mazumdar, Manas Das, Chandan Mohata

Final Decision : Allowed

Judgement

28.01.2025: Heard Shri Abhijeet Sinha, learned senior counsel for the Appellant and Shri Shaunak Mitra, learned counsel appearing for Respondent No.1 – Liquidator. This appeal has been filed against order dated 17.12.2024 passed by the Adjudicating Authority in IA No.200 of 2024. The IA was filed by the Liquidator praying for various reliefs as noticed in the order. The Adjudicating Authority after hearing the Liquidator has passed the order issuing certain directions. The Appellant aggrieved by this order has come up in this appeal.

2. At the outset, learned counsel appearing for the Liquidator, Shri Shaunak Mitra submitted that the order was passed without any notice and hearing to the Appellant, hence, the order need to be set aside and the matter needs to be remanded for hearing afresh before the Adjudicating Authority.

3. Shri Abhijeet Sinha, learned counsel appearing for the Appellant also submits that the application was not maintainable before the Adjudicating Authority.

4. Be that as it may, in view of the concession given by the Liquidator, the order

passed by the Adjudicating Authority without hearing the Appellant deserve to be set aside on this ground alone. We, thus, set aside the impugned order dated 17.12.2024. Revive IA No.200 of 2024 before the Adjudicating Authority to be heard afresh. Appeal is allowed to the above extent.