

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**TAXC No. 5 of 2017**

(Arising out of final order dated 29.06.2016 in Case No. E/145/2009 by the CESTAT)

- Commissioner, Central Excise, Customs & Service Tax, Bilaspur

---- Petitioner

Versus

- M/s Monnet Ispat And Energy Ltd. Village & Post Office- Naharpalli, Tehsil- Kharsia, District Raigarh, Chhattisgarh

---- Respondent

For Appellant	Shri Vinay Pandey, Advocate.
For Respondent	Shri Ankit Singhal, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board**02/01/2018**

1. When the matter is taken up today, the learned counsel for the respondent pointed out order dated 18.07.2017 delivered by the National Company Law Tribunal, Mumbai Bench (for short, 'NCLT') under which moratorium has been declared and order prohibiting the different activities referred in Section 14 of the Insolvency and Bankruptcy Code, 2016 (for short, 'Code') have been issued by that authority. In terms of Section 238 of the Code, the provisions of that Code overrides other laws. Applying this principle and following the judgment of the Hon'ble Supreme Court in Civil Appeal No. 8337-8338 of 2017 dated 31.08.2017

(M/s Innoventive Industries Limited Vs ICICI Bank) and the order of the High Court of Delhi issued on 04.09.2017 in ITA- 533 of 2017 and connections, this appeal is disposed of with liberty to the Appellant/Department to revive it subject to further orders of the NCLT.

2. This appeal ordered accordingly.

Sd/-

Sd/-

Judge

Judge

Prashant Kumar Mishra

Ram Prasanna Sharma

Akhilesh