

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

COMPANY PETITION NO.600 OF 2016

Vistra ITCL (India) Limited Petitioner

Vs.

Vaishno Devi Dairy Products Ltd. Respondent

Mr. Faran Khan a/w. Ms. Mansi Patel I/b. Mr. Vivek P. Daswaney for petitioner.

Mr. Rushabh Sheth for respondent.

CORAM : K.R.SHRIRAM, J.

DATE : 10th SEPTEMBER 2018

P.C.:

1 Mr. Sheth, counsel for respondent states that the debenture holders through petitioner has already filed a petition under Section 7 of the Insolvency and Bankruptcy Code 2016 before National Company Law Tribunal, Mumbai (NCLT) being company petition (IB) 392 (MB) of 2018 and therefore, this petition is not maintainable. Mr. Sheth further states that respondent company has taken out a company application (lodging) no.487 of 2018 seeking transfer of this petition also to NCLT. Mr. Khan, counsel for petitioner, on instructions states that the company application be allowed.

2 In the circumstances, this petition be transferred to NCLT to be heard alongwith company petition (IB) 392 (MB) of 2018. It is open for the NCLT to consider whether the both petitions to remain on record or only one petition is enough.

3 Company petition accordingly stands disposed. Company application also stands disposed.

Gauri
Amit
Gaekwad

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(K.R. SHRIRAM, J.)