

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

COMPANY PETITION NO.592 OF 2013

Ravina Exports Pvt. Ltd.	)....Petitioner
V/s.	
Parekh Aluminex Llted.	)....Respondent

WITH

COMPANY PETITION NO.136 OF 2014
COMPANY PETITION NO.441 OF 2014

WITH

COMPANY APPLICATION NO.194 OF 2015
COMPANY APPLICATION NO.442 OF 2015

IN

COMPANY PETITION NO.441 OF 2014

WITH

COMPANY PETITION NO.444 OF 2014
COMPANY PETITION NO.496 OF 2014
COMPANY PETITION NO.497 OF 2014
COMPANY PETITION NO.498 OF 2014
COMPANY PETITION NO.410 OF 2015

WITH

COMPANY APPLICATION NO.772 OF 2015

IN

COMPANY PETITION NO.410 OF 2015

WITH

COMPANY PETITION NO.485 OF 2015

WITH

COMPANY APPLICATION NO.727 OF 2015

IN

COMPANY PETITION NO.485 OF 2015

WITH

COMPANY APPLICATION NO.772 OF 2015

IN

COMPANY PETITION NO.410 OF 2015

WITH

COMPANY APPLICATION (L) NO.888 OF 2015

IN

COMPANY PETITION NO.441 OF 2014

WITH

COMPANY APPLICATION (L) NO.889 OF 2015
IN
COMPANY PETITION NO.592 OF 2013
WITH
COMPANY PETITION NO.61 OF 2016
COMPANY PETITION NO.62 OF 2016
COMPANY PETITION NO.63 OF 2016

None for petitioner in CP No.592 of 2013.

Mr.Abhishek Sawant a/w Ms.Tinaz Kapadia I/by Amit Pradhan for petitioner in CP 136 of 2014.

Mr.Yogesh Bhoge I/by Juris consultus for petitioner in CP 441/2014 and CP 444/2014.

Mr.J.S.Shukla I/by Vaibhav Mehta and Associates for petitioner in CP 496 of 2014 and CP 498 of 2014.

None for petitioner in CP 497 of 2014.

Ms.Divya Menon I/by Bhav and Co. for petitioner in CP 410 of 2015 and CP 485 of 2015.

Mr.Shivam Singh for petitioner in CP 61 of 2016, CP 62 of 2016 and CP 63 of 2016.

Mr.Kunal Chheda I/by M.V.Kini and Co. for petitioner in CP 485 of 2015.

Ms.Nikita Vardhan I/by Kanga & Co. for respondent company.

Mr.Abhileen Chaturvedi I/by Economic Laws Practice for Resolution Professional appointed for Respondent company.

CORAM : K.R.SHRIRAM,J

DATE : 11.9.2018

P.C.:-

1. Some of the petitioners herein have already lodged their claims with the Resolution Professional appointed by the National Company Law Tribunal (NCLT). Some have not. Those who have not state that they were advised that when their petition is pending here in this court and Provisional Liquidator has already been appointed, there was no need to lodge separate claim with Resolution Professional.

Mr.Chaturvedi for Resolution Professional states that Resolution plan is almost ready and it will be difficult to accept the claims of petitioners who are before this court as they have not lodged their claim with Resolution Professional.

2. Ms.Vardhan for the company states that even they have given a list of all claimants and creditors to the Resolution Professional. Therefore, it does not lie in the mouth of Resolution Professional to state that he shall not consider those claims of petitioners who have independently lodged petitions in this court and whose petitions are pending in this court.

3. In my view, this is an absolutely baseless excuse because Resolution Professional will certainly be aware about the existence of these petitions in this court and ought to have factored in these petitions in preparing his report.

4. Therefore, if the Resolution Professional has not considered the claims of all the petitioners whose petitions are pending in this court, he shall consider and include the same before submitting the Resolution plan to NCLT. All the petitioners who have not intimated to the Resolution Professional about their claim, shall do so on or

before 24.9.2018.

5. In view of the above, since NCLT has passed an order under Section 7, on an application filed by one of the creditors, and moratorium is in place, all the petitioners herein request that petitions herein be transferred to NCLT and NCLT/Resolution Professional shall consider their claims as well. The time spent in these petitions until today shall be excluded and the creditors who are before this court and who have not intimated their claim independently to the Resolution Professional, are given time up to 24.9.2018 to lodge their claims and Resolution Professional and the committee of creditors shall consider these claims also while submitting the resolution plan.

6 In the circumstances, registry to transfer all the petitions with respective interim applications to NCLT who shall consider these claims in accordance with law.

All petitions stand transferred accordingly. All Company applications accordingly stand disposed.

Liberty to apply.

7 Company Petition No.444 of 2014 be listed for final hearing on 24.9.2018.

8 Ms.Vardhan states that the appeals filed by the Company in this court will be withdrawn within one week from today. Statement accepted.

Jahagirdar
Kiran
Ganesh

Digitally signed
by Jahagirdar
Kiran Ganesh
Date:
2018.09.14
17:00:36
+0530

(K.R.SHRIRAM,J)