

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 1863/2017

(IDBI Trusteeship Services Ltd., Mumbai and others vs. State of Maharashtra and others)

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Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

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Shri S.N. Kumar, Advocate for the petitioners
Smt.Mrunal Barabde, AGP for Respondent Nos.1 & 2

CORAM : R.K. DESHPANDE &
VINAY JOSHI, JJ.

DATED : 25th July, 2019

In the proceedings filed by the petitioners before the National Company Law Tribunal, Bench: Mumbai, bearing No. CP 66/IBC/NCLT/MAH/2017 along with connected matters, the Tribunal passed an order on 3.7.2019. The operative part of it, runs as under :-

“ORDER

118. Since we have proposed certain modifications to the Resolution Plan, it further requires the acceptance by the Resolution Applicant. Therefore Resolution Professional is directed for seeking acceptance from the Resolution applicant regarding proposed modifications.

119. The acceptance report of the Resolution applicant is to be filed by 12.07.2019. If acceptance of

the proposed modification in the resolution Plan is not submitted, then we shall proceed with the liquidation.

120. List on 12.07.2019 for filing additional affidavit of Resolution applicant regarding acceptance of the modifications in the Resolution Plan.

121. The Registry is directed to immediately communicate the order to the Resolution Professional and the Resolution applicant.

122. The Designated Registrar is further directed to communicate a copy of this order to the Secretary, Ministry of Corporate Affairs, Government of India.”

The respondent-Sales Tax Department has appeared before the National Company Law Tribunal and it has participated in the process.

In view of this position, there is no question of auction of the properties or implementation of the notice dated 9th February, 2017. Appropriate steps can be taken by the Sales Tax Department in the proceedings before the National Company law Tribunal. Hence, the Writ Petition stands disposed of.

JUDGE

JUDGE