

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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**CP-49-2016 (O&M)
Date of decision: 09.05.2022**

VIRENDER GANDHI

..Petitioner

Versus

M/S GLM INFRATECH PVT. LTD. & ORS

..Respondents

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**CP-74-2016 (O&M)
Date of decision: 09.05.2022**

AMATYA BUSINESS CONSULTING PVT LTD

..Petitioner

Versus

M/S GLM INFRATECH PVT. LTD.

..Respondent

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**CP-128-2016 (O&M)
Date of decision: 09.05.2022**

GANGJI KALYANJI BHANUSALI

..Petitioner

Versus

M/S GLM INFRATECH PVT. LTD. AND ANR.

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Anand Chhibber, Sr. Advocate
with Mr. Mandeep Singh Khillan, Advocate
for the petitioner in CP-49-2016.

Mr. Varun Issar, Advocate
for the petitioner in CP-74-2016.

Mr. Adarsh Jain, Advocate
Ms. Kamaldeep Kaur, Advocate
for petitioner in CP-128-2016.

Mr. Shekhar Verma, Advocate
for applicant in CA-139 & 140-2019.

Mr. Puneet Bali, Sr. Advocate with
Mr. Surjeet Bhadu, Advocate
Ms. Bhavna Chaudhary, Advocate
and Mr. Veer Singh, Advocates for respondent
in CP-74-2016 and CP-128-2016.

ANIL KSHETARPAL, J(Oral)

The learned counsel representing the respective parties are *ad idem* that in view of the judgment passed in **Civil Appeal No.4041-2020, titled as “Action Ispat and Power Pvt. Ltd. Vs. Shyam Metalics and Energy Ltd.”, decided on 15.12.2020, reported in AIR 2021 SC 309**, all these matters are required to be referred to the National Company Law Tribunal, Chandigarh Bench. The Supreme Court while interpreting the provisions of Section 434 of the Companies Act, 2013 read with The Companies (Transfer of Pending Proceedings) Rules, 2016, has held that unless the Company Court has taken steps which are not irretrievable. The petitions filed under Section 433 and 434 of the Companies Act, 1956, are required to be transferred to the National Company Law Tribunal, Chandigarh Bench. All these cases are at a pre admission stage. CA-105-2022, has been filed for placing on record the award passed by the arbitrator.

Since, the matters are being transferred to the National Company Law Tribunal, Chandigarh Bench, therefore, the same shall be considered by the Tribunal. However, the matters are pending in this Court for the last 6 years. Therefore, the Tribunal is requested to take up the matter on 23.05.2022, and pass appropriate orders.

The parties through their counsels are directed to appear before the National Company Law Tribunal, Chandigarh Bench, on the above-said date.

The office is directed to remit all the case files to the Tribunal forthwith.

Statutory demand notice before filing of the petition before the

National Company Law Tribunal under Section 8 of the Insolvency and Bankruptcy Code, 2016, shall stand dispensed with in view of the facts that the notice of the company petition is already sent and served on the respondent.

May 09th, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*