

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1417 of 2019

IN THE MATTER OF:

Union of India

...Appellant

Vs

Oriental Bank of Commerce

...Respondent

Present:

**For Appellant: Mr. Sanjay Shorey, Director (L&P), Mr. A. K. Sahoo,
Dy. ROC and Mr. Parvez Naikwadi, AD (MCA).**

For Respondent:

ORDER

10.12.2019: The question arises for consideration in this appeal as to whether there is any need to implead Union of India, Ministry of Corporate Affairs through the Secretary as party respondent in all the applications filed under Section 7, 9 or 10 of Part II of the Insolvency and Bankruptcy Code, 2016? It may not be required to be impleaded for the purpose of authentic record or for appreciation of the matter but to notice whether the Union of India is any necessary party for smooth corporate insolvency resolution, should be implead as Proforma Respondent to such petition so that if so necessary matter can be referred to it for punishment for alleged violation under Section 68 to 77 of Chapter VII of the I&B Code and for taking action in terms of Section 236(2) of the I&B Code.

We will also consider as to whether the Union of India is at all necessary party in a Company Petition/Appeal filed before the National Company Law

Tribunal except where public interest is involved or for criminal act that may be taken up with a Special Court under Section 435 of the Companies Act, 2013.

Let notice be issued on Respondents by Speed Post. Requisites alongwith process fee, if already not filed, be filed by tomorrow. If the Appellant provides email address of the Respondents, let notice be also issued through email.

Post the case 'for orders' on **21st January, 2020**.

Until further order, the operation of para 4 of impugned order dated 22nd November, 2019 passed by the Adjudicating Authority (National Company Law Tribunal), Principal Bench, New Delhi shall remain stayed. However, (IB)-939(PB)/2018 pending before the Adjudicating Authority will continue uninfluenced by any order passed by this Appellate Tribunal and in accordance with law.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

am/gc

Company Appeal (AT) (Insolvency) No. 1417 of 2019