

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BULDANA.**CRI. U.L.P. No. 1/2018****C.N.R. NO. MHLC28-000028-2018**

Tarachand C. Sharma

--Vrs--

Birla Cotsyn (India) Ltd.,
Through its C.E.O. & ors.**ORDER BELOW EXH. C-1****(DATE :- 15-03-2019)**

1. This is the application filed by the non applicant for dismissing the present proceeding filed by the applicant or in alternate stayed the present proceeding till the decision of the said company petition pending before the Hon'ble National Company Law Tribunal, Mumbai Bench as per order dated 20-11-2018.

2. The counsel for the applicant resisted the application by filing their say. It is the contention of the counsel of the applicant that the respondent had not filed the certified copy of the order issued by Hon'ble National Company Law Tribunal. Therefore, on the basis of zerox copy of order say can't be given and the said proceeding cannot be dismissed or stayed. The non applicant intentionally in order to prolong the matter filed this application. Therefore, applicant prayed to reject the application.

3. Considering the submission of both the parties and perusing the record and order passed by the National Company Law Tribunal, it appears that the National Law Tribunal in the said order on page no. 5 para 20 - I (a) specifically mentioned that, "That this bench hereby prohibits (a) the institution of suits or proceeding against the corporate debtor including execution of any judgment, decree or order in any Court of law, tribunal, arbitration panel or other authority".

4. From the said order it is clear that institution or continuation of any suit in any Court of law is prohibited by the National Company Law Tribunal. Therefore, in view of the order passed by the National Tribunal dated 20-11-2018 the present matter is stayed till the decision of the Hon'ble National Company Law Tribunal.

Sd/-

(Smt. R.V. Mete)

Judge,
Labour Court, Buldana.

Date : 15-03-2019

LABOUR COURT