




INDO LEGAL SERVICES
ADVOCATES & SOLICITORS

LEGAL '*KISSE*' OF LAST WEEK

23rd Edition



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Legal 'Kisse' of Last Week

INSOLVENCY BANKRUPTCY CODE, 2016

- ✚ **Dispute over quantum of debt cannot be a ground for rejection of insolvency petition: NCLT New Delhi.**
 - ◆ **Citation:** *M/s Intec Capital Limited Vs. M/s SRD Management Company Private Limited* || *Company Petition (IB) (Ins.) No. 1058 of 2020* || *NCLT New Delhi* || Para 10.
- ✚ **Section 7 petition is maintainable even if execution petition for enforcement of Arbitral Award is pending: NCLT New Delhi.**
 - ◆ **Citation:** *M/s Intec Capital Limited (Supra)* || Para 12.
- ✚ **No power enjoined upon Appellate Tribunal to condone the Delay beyond the permissible prescribed period as per Section 61 of the IBC, 2016: NCLAT Chennai.**
 - ◆ **Citation:** *M/s SMS Foundation & Investment LLP Vs. J. John Ohilvi* || *Company Appeal (AT) (CH) (Ins.) No. 41 of 2023* || *NCLAT Chennai* || Para 31.

ARBITRATION AND CONCILIATION ACT, 1996

- ✚ **Participation in Arbitration proceedings without raising any objection about unilateral appointment of Arbitrator will not absolve the right of Petitioner to raise said objection directly in Section 34: Madras High Court.**
 - ◆ **Citation:** *Anil Damodar Potdukhe & Ors. Vs. M/s Kotak Mahindra Bank Limited* || *Arb.O.P. (Comm. Div.) No. 14 of 2023* || *Madras High Court* || Para 15 & 16
 - ◆ **Link to Citation:**
<https://www.mhc.tn.gov.in/judis/index.php/casestatus/viewpdf/1024452>
- ✚ **Unilateral Appointment of Arbitrator until rectified in writing by other party is non-est in law: Madras High Court.**
 - ◆ **Citation:** *Anil Damodar Potdukhe (Supra)* || Para 18 & 20
 - ◆ **Link to Citation:**
<https://www.mhc.tn.gov.in/judis/index.php/casestatus/viewpdf/1024452>



Legal 'Kisse' of Last Week

✚ **Unilateral Appointment of Arbitrator can be challenged even at the time of execution /enforcement of arbitral award: Madras High Court.**

◆ **Citation:** *Anil Damodar Potdukhe & Ors. (Supra)* // Para 20.

◆ **Link to Citation:**

<https://www.mhc.tn.gov.in/judis/index.php/casestatus/viewpdf/1024452>

COMMERCIAL COURTS ACT, 2015

✚ **Constituent of the joint venture cannot escape from the liability which stands raised or arises from that venture: Delhi High Court.**

◆ **Citation:** *ITD Cementation India Ltd Vs. SSJV-ZVS Joint Venture & Ors* // Neutral Citation No.2023/DHC/001634 // Delhi High Court // Para 14.

◆ **Link to Citation:** http://164.100.69.66/jupload/dhc/YVA/judgement/07-03-2023/YVA07032023OMPENFCOMM1882021_132942.pdf

✚ **Petitioner is not obliged to implead the individual member of joint venture as Respondent: Delhi High Court.**

◆ **Citation:** *ITD Cementation India Ltd (Supra)* // Para 14.

◆ **Link to Citation:** http://164.100.69.66/jupload/dhc/YVA/judgement/07-03-2023/YVA07032023OMPENFCOMM1882021_132942.pdf



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