

DIVISION BENCH

ITEM NO.120

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

**IA No.80/2026, IA No.94/2026, IA No.99/2026 & IA No.343/2026
IN CP (IB) No. 331/ALD/2018**

CORAM:

- 1. SH. PRAVEEN GUPTA,
HON'BLE MEMBER (JUDICIAL)**
- 2. SH. ASHISH VERMA,
HON'BLE MEMBER (TECHNICAL)**

Date of Order: 9th June, 2026

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	ORIENTAL BANK OF COMMERCE (NOW PUNJAB NATIONAL BANK) V/S M/S SIMBHAOLI SUGARS LTD
UNDER SECTION	7 IBC (IN CIRP)

COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:

Ms. Priyanka Varma, Adv. : *For the Applicant/ IRP, Sh. Anurag Goel
present in person*

Sh. Shivam Shukla, Adv. : *For Office of Cane Commissioner, Sugar
and Cane Deptt. U.P. in IA No.94/2026 &
IA No.343/2026*

ORDER

IA No.80/2026

This application has been filed *inter-alia* seeking the following prayer:-

*In view of the facts mentioned above, the applicant prays for
the following reliefs:*

- A.** *Direct the Respondent herein to immediately refund the amount
to the tune of Rs. 28,02,500/- (Twenty-Eight Lakhs Two
Thousands and Five Hundred Only) transferred through
National Electronic Funds Transfer (NEFT) vide transaction
UTR number: PUNBN62025103055098485/CUTE
CHIMICALS INDIA / HDFC0000886/0886232000020 ON
30.10.2025 disbursed as advance by the Corporate Debtor to*

-Sd-

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the Respondent herein against the supply of prescribed quantity of Phosphoric Acid, the supply of which the Respondent herein has failed in fulfilling to the following back account:

Account Holder Name: *Simbhaoli Sugars*

Limited Under CIRP

Account Number: *6717002100005940*

IFSC Code: *PUNB0671700*

Branch: *Sector 63, Noida (U.P.)-201301*

B. *Pass any other order or order(s) which this Hon'ble Tribunal may deem for and proper in the facts and circumstances of the case.*

1. The notice was issued to the non-applicant respondents on 2nd February, 2026.
2. Since there was no representation therefore, on behalf of the non-applicant respondent in terms of the order dated 16th March, 2026. This service was directed to be affected by way of the substituted mode of service.
3. Accordingly the Ld. Counsel representing the applicant states that the newspaper publications have been made and an affidavit of compliances has also been filed on 2nd April, 2026 on the e-portal of this Tribunal.
4. The same is taken on record.
5. Despite the substituted mode of service having been affected upon the non-applicant respondents, there is no representation nor any, response/reply has so far been filed.
6. In view thereof, the non –Applicant Respondent is set ex-parte.
7. Let this matter be adjourned for 3rd August, 2026 for ex-parte hearing.

IA No.94/2026,

1. This matter relates to the allocation of the cane sugar to the Sugar Mill being run by the Corporate Debtor which is undergoing CIRP. The issue has been with respect to the less allocation of the cane sugars to the Corporate Debtor during the just completed crushing season. In view of certain disputes, there has been some rounds of litigations in which

appellate orders have been passed by the Cane Commissioner in appeal which is the appellate authority under the UP Sugar Cane Regulation of supply & purchase Act, 1953 Act.

2. It is also the admitted case of the Ld. Counsel representing the RP as well as RP in person as also of the Ld. Counsel representing the cane commissioner that the crushing season is already over which is normally from October 2025 till March 2026. However the apprehension is being raised by the Ld. Counsel representing the RP as well as RP in person that the situation may recur with respect to the less supply of the cane sugar to the sugar mill in the next issuing cane crushing season which will again be commencing from September 2026 onwards.
3. In this regard, the Ld. Counsel representing the Cane Commissioners has been asked to submit a reply through an affidavit as about the policy being adopted in supplying Cane to Corporate Debtor in next crushing season, as per U.P. Cane Sugar Act.

IA No.343/2026

1. This application has been filed by the Cane Commissioner bringing on record certain facts which has also been responded by the Ld. Counsel representing the RP, wherein there is also a mention of some internal meeting having been taken place before the Additional Secretary Cane of the UP State taking some decision with respect to supply all restrictions thereof for supply of the Cane Sugar to the sugar mills which are undergoing CIRP.
2. Ld. Counsel representing the Cane Commissioner fairly states that there is no formal order passed or issued arising out of the said those minutes of the meeting which are only internal to the department concerned.
3. He also further submits that the allocation of the cane to the sugar mills including the one which are undergoing CIRP is to take place in accordance with the U.P. Cane Sugar Act, and therefore even during the next crushing season the allocation shall be made in accordance with the provisions of

the Act and also in the best interest of the farmers as well as of the sugar mills in district of UP. It is also open for the RP, to challenge in case, if any, of the decision taken by the Cane Commissioner prejudices the interest of the Sugar Mill being run by the RP.

4. Without disposing of these applications, we are inclined to differ this applications therefore for a longer date to await any further development.
5. Let this matter be adjourned for hearing on 3rd August, 2026.

IA No.99/2026

1. Reply if any, is still awaited from the non-applicant respondent.
2. Let the reply be filed within a period of two weeks with an advance copy to be supplied to the other side.
3. Interim to continue meanwhile.

-Sd-
(Ashish Verma)
Member (Technical)

-Sd-
(Praveen Gupta)
Member (Judicial)

9th June, 2026
Shubhangi Singh
(Stenographer)