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+   W.P.(C) 5991/2021, CM APPL. 18941/2021-STAY, CM APPL.
       18942/2021-EX.
       ABRJ FOODS PVT LTD   ..... Petitioner

                              Through: Mr. Deepak Vohra, Adv.
                              versus

       SUPRIYO KUMAR CHAUDHURI LIQUIDATOR JVL AGRO
       INDUSTRIES LIMITED & ORS.   ..... Respondents
                              Through: Mr. Indranil Ghosh, Mr. Orijit
                              Chatterjee, Mr. Palzer Moktan, Advs. for R-1
                              Mr. Apoorv Khator, Mr. Vikas Mehta, Advs. for
                              R- 2/ Insolvency and Bankruptcy Board of India
                              Mr. Mohit Chaudhary, Ms. Garima Sharma, Advs.
                              for R-3
       CORAM:
       HON'BLE MR. JUSTICE JASMEET SINGH
                              O R D E R
%   **23.06.2021**

       The present writ petition has been filed by the Petitioner seeking the
following prayers:

                              "PRAYER

       *In view of the facts and circumstances of the present case, it is most
respectfully prayed that this Hon'ble Court may be pleased to:*

       1)   *Issue appropriate Writ, Order or Direction, in the nature of
             mandamus directing - the Respondent No.1/Liquidator to
             revise/extend the timelines prescribed for the e-auction sale of Old
             Edible Oil Stock of JVL Agro Industries Ltd (under Liquidation),
             scheduled on 24.06.2021, in terms of Para 15 of the present petition;
             and/or*

*2)	Issue appropriate Writ, Order or Direction, in the nature of mandamus directing the Respondent No.2 to issue necessary guidelines/regulations for Liquidators under Section 196(1) of the IBC for regulating the process of sale of assets during Liquidation Process so as to deter Liquidators from issuing unreasonable terms, conditions and timelines of sale; and/or*

*3)	Pass any other order which this Hon'ble Court deem fit in the Interest of Justice."*

The primary ground of challenge by the Petitioner is that E-Auction has been announced vide public announcement dated 14.06.2021 by inviting bids for sale of old edible oil stock of JVL Agro Industries Ltd. (under liquidation). The Petitioner (potential buyer of the oil inventory) is actively operating in the State of Uttar Pradesh and Delhi and is in the business of distribution and trade of edible oil and other products.

The Petitioner is aggrieved as the liquidator has notified such restrictive and limiting timelines for the E-Auction in such a way that it is impossible for the Petitioner to effectively participate in the bid.

It is the submission of the Petitioner that the stock is stored at Haldia, West Bengal and no realistic time has been provided to bidders to travel to Haldia and inspect the stock.

Mr. Apoorv Khator, learned counsel appears for respondent No.2 and Mr. Orijit Chatterji, learned counsel appears for respondent No.1. Mr. Chatterji has drawn the attention of this Court to the E-Auction Process Document and more particularly, Clause 6.13 which reads as under:

*"6.13.	**__Governing Law and Jurisdiction__**

This E-Auction Process Information Document, the auction Process and other documents pursuant to the E-Auction Process Information Document shall be governed by the laws of India and any dispute arising out of or in relation to the E-Auction Process Information Document or the E-Auction Process shall be subject to the exclusive jurisdiction of the Adjudicating Authority, courts and tribunals at Allahabad, India."

Mr. Chatterji, learned counsel further states that even Prayer (2) of the petition (as under) can also be argued and adjudicated at Allahabad.

"

2) *Issue appropriate Writ, Order or Direction, in the nature of mandamus directing the Respondent No.2 to issue necessary guidelines/regulations for Liquidators under Section 196(1) of the IBC for regulating the process of sale of assets during Liquidation Process so as to deter Liquidators from issuing unreasonable terms, conditions and timelines of sale; and/or"*

It is further submitted by the learned counsel for respondent No.2 that there are adequate guidelines and regulations under the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016.

In view of clear jurisdiction of Allahabad Court, this Court is not inclined to entertain the present petition and the same is dismissed.

JASMEET SINGH, J

JUNE 23, 2021/ 'ms'