

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 229 of 2021**

**In the matter of:**

**Mirambica Infrastructure Pvt. Ltd.**

**....Appellant**

**Vs.**

**Sanskrut Jewel Residency LLP & Ors.  
(hereinafter referred as the Corporate Debtor)**

**....Respondents**

**Present:**

**Appellant: Mr. Sachin Naveen Sinha, PCS.**

**Respondents:**

**ORDER**  
**(Through Virtual Mode)**

**24.03.2021:** The Appellant, who happens to be the Operational Creditor having filed Application under Section 9 of the Insolvency and Bankruptcy Code, 2016 (for short 'the I&B Code') before the Adjudicating Authority (National Company Law Tribunal) Ahmedabad Bench, Ahmedabad, Court-2 is aggrieved of the impugned order dated 19<sup>th</sup> February, 2021 by virtue whereof the matter was adjourned to 23<sup>rd</sup> March, 2021.

2. It is submitted by Mr. Sachin Naveen Sinha, PCS representing the Appellant – Operational Creditor that the Application filed under Section 9 of the I&B Code in the year 2019 is still pending consideration for admission and the order has been reserved on 23<sup>rd</sup> March, 2021 only to decide the Intervention Application.

3. After hearing Mr. Sachin Naveen Sinha, PCS we deem it appropriate to dispose of this Appeal emphasising upon the Adjudicating Authority to abide by

Cont'd..../

the mandate of Section 9(5) of the I&B Code, which provides for passing of an order of 'admission' or 'rejection' of the Application of Operational Creditor filed under Section 9 of the I&B Code within 14 days of the receipt of such Application. The Adjudicating Authority, not being a Civil Court and it being enjoined upon it to conduct the Corporate Insolvency Resolution Process in a time bound manner as delineated by the I&B Code, should not allow the pre-admission proceedings to be converted into an adversarial litigation. Speed being the password in CIRP proceedings, the Adjudicating Authority has to act in a swift manner and not allow the proceedings to be hijacked by a person or entities to put a spoke in the wheel, so as to render the process nugatory. The Adjudicating Authority would do well by focusing upon the issue in regard to admission or otherwise to consider the Application on merit and pass an order in that regard most expeditiously, preferably within 10 days. The Appeal is accordingly disposed off.

3. Copy of this order be communicated to the Adjudicating Authority forthwith.

**[Justice Bansi Lal Bhat]**  
**Acting Chairperson**

**[Dr. Ashok Kumar Mishra]**  
**Member (Technical)**