

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

COMPANY APPEAL (AT)(INSOLVENCY) NO.314 OF 2021

In the matter of:

Aditya Daftary & Ors

Appellant

Vs

Mirador Constructions Pvt Ltd

Respondent

Present:

Mr Srijan Sinha, Mr. Himanshu Chaubey, Advocates for Appellant.

ORDER

16.04.2021:The issue raised in this appeal filed against dismissal of application filed under Section 7 of I&B Code vide impugned order dated 23.2.2021 passed by the Adjudicating Authority, National Company Law Tribunal, Mumbai Bench is that the threshold limit of 10% of total number of allottees has been met and that debt and default is admitted, Reference is made to Page 91 of the appeal paper book. Learned counsel for the appellant further submits that the application could not have been dismissed as withdrawn as at no point of time had the applicants requested for withdrawal of petition.

Issue notice upon the respondents. Appellant may provide Mobile No. and email ID of Respondents within one week. Notice be served through any available mode.

2.

IA No.750/2021 is disposed off by granting leave to the appellants, some of whom claim to be aggrieved parties but were not applicants before the Adjudicating Authority.

I.A. No.751/2021 is disposed off with direction to appellants to array such of the applicants before the Adjudicating Authority as proforma respondents in the petition by seeking necessary amendment who have not joined as appellants.

IA No.748/2021 is disposed off with direction to provide notarized Power of Attorney in respect of appellants who are living abroad, as and when the same are made available to appellant but before hearing.

IA No.747/2021 is disposed off with direction to file certified copy of the impugned order within one week of the same being made available to the appellant.

List the appeal on **17th May, 2021.**

(Justice Bansi Lal Bhat)
Acting Chairperson

(Dr. Ashok Kumar Mishra)
Member (Technical)

Bm/gc