

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Company Appeal (AT) (Insolvency) No. 196 of 2021**

In the matter of:

Sandeep Tyagi, Authorised Representative (Ex-Employees of Moserbaer Electronics Ltd.)

....Appellant

Vs.

Hemant Sharma (Liquidator) & Anr.

....Respondents

Present:

**Appellant: Mr. Swarnendu Chatterjee, Ms. Saloni Jain,
Advocates.**

Respondents:

ORDER

(Through Virtual Mode)

15.03.2021: After hearing Mr. Swarnendu Chatterjee, Advocate representing the Appellant and having gone through the impugned order, we find that there is no adjudication on merit. The Adjudicating Authority (National Company Law Tribunal), New Delhi, Court- IV, is stated to have been approached for clarification of the order dated 19th November, 2020. It is contended that the Adjudicating Authority is adopting a procedure whereby the order dated 19th November, 2020 is being subjected to review and that too, at the instance of persons who are not party to the proceedings. With reference to the impugned order assailed in the instant appeal, it is submitted that lengthy procedure has been adopted directing filing of submissions in form of explanatory notes which has the effect of the reopening of the whole case.

2. Since there is no adjudication on merit, the appeal against the interim order may be premature. However, to allay the fears of the Appellant that the course adopted by the Adjudicating Authority may expand the scope of proceedings under Rule 11 of the NCLT Rules, 2016 and re-open the matter as

Contd/-.....

a whole, we dispose of the instant appeal with direction to the Adjudicating Authority to dispose of the clarification application in the light of the settled law within the shortest possible time ensuring that the frame and nature of the proceedings is not altered.

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

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

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

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