

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Company Appeal(AT)(Insolvency) No. 350 of 2021**

IN THE MATTER OF:

Anoop Kumar Chhawchharia **...Appellant**

Vs

M/s. Emgreen Impex Ltd. & Anr. **Respondents**

Present:

For Appellant: Mr. Iswar Mohaptra, Mr. Abhijeet Sinha and Mr. Robin Singh Advocates

For Respondents Mr. Virender Ganda, Sr. Advocate with Mr. Anand Singh Senfar, Mr Vishal Ganda and Mr. Suredra Kumar, Advocates

ORDER
(Through Virtual Mode)

11.05.2021 Heard learned Counsel for the Appellant. He submits that the Appellant is not the Corporate Debtor. However, the Application has wrongly been admitted by the Adjudicating Authority. Further, he submits that the Appellant is ready to settle the matter, and in the meanwhile, the Constitution of Committee of Creditors (in short '**CoC**') may be stayed.

2. Let notice be issued on Respondents by Speed Post. Requisites along with process fee, if not filed, be filed by 13.05.2021. If the Appellant provides the e-mail address of Respondent, let notice be also issued through e-mail.

3. Learned Senior Counsel accepts notice on behalf of Respondent No. 1. He opposes the prayer for the stay of the constitution of CoC. So far as the settlement is concerned, instructing counsel will take instructions from the Respondent. The Ld. Counsel for the Respondent seeks time to file Reply Affidavit.

4. We have considered the submissions, we are not inclined to stay the operation of the impugned order.

5. The Respondents may file Reply Affidavit within ten days. Rejoinder, if any, may be filed one week thereafter.

6. We make it clear that if the parties are ready to settle the matter, this order will not come in their way. The Adjudicating Authority will consider their Application for settlement within ten days from the date of Application.

Let the matter be fixed on **31st May 2021** under the caption 'For Admission (After Notice).'

[Justice Jarat Kumar Jain]
Member (Judicial)

(V.P. Singh)
Member(Technical)

Akc/Gc