

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 05 of 2019

IN THE MATTER OF:

Vesuvius India Ltd. & Ors.

...Appellants

Versus

Fenace Auto Ltd. & Anr.

...Respondents

Present:

For Appellants :

Though present not marked attendance

For Respondents :

Mr. Hitesh Sachar, Advocate for R-2

O R D E R

04.01.2019 Learned counsel for the appellant submits that the 'resolution plan' is discriminatory as all the 'operational creditors' having similarly situated not treated equally and is against the principles laid down by this Appellate Tribunal in "***Binani Industries Limited vs. Bank of Baroda & Anr. etc. – Company Appeal (AT)(Insolvency) No. 82 of 2018 etc.***".

Learned counsel for the appellant is allowed to implead 'M/s. Badve Engineering Ltd.', who is the 'successful resolution applicant' as a party respondent No. 3. He will make necessary corrections in the cause title and paper-book by 7th January, 2019.

Let notice be issued on the respondents by Speed Post.

Mr. Hitesh Sachar, Advocate accepts notice on behalf of 2nd Respondent (Resolution Professional). No further notice need be issued on him. Learned counsel for the appellant will serve a copy of the paper-book on him in the course of the day.

Let notice be issued on rest of the respondents by Speed Post. Requisites along with process fee, if not filed, be filed by 7th January, 2019.

Post the appeal 'for Admission (After Notice)' on 14th January, 2019 when similar issue in '**Company Appeal (AT)(Insolvency) No. 769 of 2018**' is likely to be listed.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/gc/