

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

**Company Appeal (AT) (Ins.) No. 356 of 2021**

**IN THE MATTER OF:**

**D.R. Corporation (Proprietorship Firm) ....Appellant**

**Vs.**

**Ravi Kapoor Liquidator of City Tiles Ltd. & Anr. ....Respondents**

**Present:**

**For Appellant: Mr. Abhijeet Sinha, Ms. Aastha Mehta, Mr. Ravi Pahwa  
and Ms. Prerna Mohapatra, Advocates**

**For Respondents: Mr. Tirth Nayak, Advocate for R-1.**

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

**13.05.2021:** Heard Learned Counsel for the Appellant. He submits that he has impugned the order dated 27.04.2021 in this Appeal. The substantive order dated 21.04.2021 was not in the knowledge of the Appellant, therefore, he could not file the Appeal against that order. He may be permitted to place on record order dated 21.04.2021 and to make necessary amendments in the Memo of Appeal.

After due consideration, prayer is allowed.

Learned Counsel for the Appellant submits that the Appellant is successful bidder and has deposited 25% of the bid amount as per the terms of the auction notice. After completion of the sale Ld. Adjudicating Authority permitted the Liquidator for re-auction and issuance of fresh public announcement without giving any opportunity of hearing to the Appellant. Such order is seriously prejudice the rights of the Appellant. The Liquidator

has fixed the date for re-auction today only. It is requested that the process be stayed, otherwise, it will create multiplicity of the litigation.

Issue Notice.

Learned Counsel Mr. Tirth Nayak accepts notice on behalf of the Respondent No.1/ Liquidator. He opposes the prayer for interim relief.

Considered the submissions, we are of the view that the Appellant has a prima-facie case, without giving opportunity of hearing Ld. Adjudicating Authority directed for re-auction. If the process of re-auction is not stayed it will create further complications, therefore, the process of re-auction is stayed till next date of hearing.

Respondent No. 1 seeks and is granted 10 days time to file Reply Affidavit. Rejoinder, if any, may be filed within one week thereafter.

Let notice be issued to other Respondents through e-mail or any other available mode. Requisites along with process fee be filed within two days.

Parties are also directed to file short 'Written Submissions' not more than three pages along with the relevant citations within 10 days.

Let the matter be fixed for 'Admission (After Notice)' on **04<sup>th</sup> June, 2021**.

**[Justice Jarat Kumar Jain]**  
**Member (Judicial)**

**[V.P. Singh]**  
**Member (Technical)**

sa/gc