

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

I.A. No. 811 Of 2021

IN

Company Appeal (AT) (Insolvency) No. 147 of 2021

IN THE MATTER OF:

Aseem Srivastav

...Appellant

Versus

ICICI Bank Limited and Anr.

...Respondents

Present: -

For Appellant: Ms. Eshna Kumar, Ms. Santosh Kumari and Ms. Aditya Maheshwari, Advocates.

For Respondent: Mr. Krishnendu Datta, Sr. Advocate with Anand Shankar Jha, Mr. Rahul Gupta, Mr. Arpit Gupta, Advocates for R-1.

Mr. Suresh Dutta Dobhal and Mr. Shikhar Kumar, (Interveners)

Ms. Manju Bhuteria and Mr. Jitendra Lohia, Advocates for RP.

ORDER
(Virtual Mode)

30.04.2021 Heard Learned Counsel for the Appellant and Respondents.

Learned Counsel for the intervener is also present.

2. From the perusal of the order dated 05.04.2021 it appears that the Appeal is directed to be listed 'For Hearing' on 29.04.2021.

3. In the meanwhile, due to 2nd wave of Covid-19 this Appellate Tribunal have been preponed the Summer Vacation i.e. 26th April to 20th May, 2021, earlier the Vacation was commenced from 7th June to 30th June, 2021 by the office order dated 19.04.2021.

4. Further all the matters to be listed on 29.04.2021 rescheduled on 27.05.2021 and urgency slip was filed by the Learned Counsel for the Applicant/ Respondent No. 1 through email sent to the Registrar of this Tribunal requesting to place on record copy of the final order dated 16.04.2021

passed by Hon'ble Supreme Court of India in Civil Appeal No. 990 of 2021. Copy of the order has been annexed.

5. From the perusal of the para 3 and 4 of the aforesaid order reads as under:

“ 3. Mr. Jaideep Gupta submitted that having regard to the time bound scheme which has been enunciated in the statutory provisions of the IBC, such a direction would virtually bring the resolution process to a standstill and that as late as 2019 there is an admission on the part of the Corporate Debtor of the liability owed. Since the proceedings are pending before the NCLAT, we are not inquiring into the correctness of the above submission, particularly in the absence of the respondents.

4. The NCLAT is requested to take up the appeal for expeditious hearing on the next date and if due to the exigency of work, it becomes necessary to adjourn the hearing, the application for vacating the stay shall be taken up peremptorily.”

6. Learned Counsel for the Applicant / Respondent No. 1 has filed the I.A. No. 811 of 2021 on 27.04.2021 with a prayer for vacating the stay which was passed vide order dated 26.02.2021 and further extended vide orders dated 19.03.2021 and 05.04.2021.

7. Learned Counsel for the Appellant is also present. He submits that he has received the soft copy of the aforesaid I.A. No. 811 of 2021. He is directed to file Response to the I.A. No. 811 of 2021 within two weeks from today.

8. Learned Counsel for the RP is also present and submits that he has filed the status report.

9. List the Appeal along with I.A. No. 811 of 2021 'For Hearing' on **27th May, 2021** before the Hon'ble Bench which has passed the order dated 05.04.2021.
10. Interim order to continue till next date of hearing.

[Justice Anant Bijay Singh]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

R.N./B.M/