

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

**Company Appeal (AT) (Insolvency) No. 219 of 2020**

**IN THE MATTER OF:**

**Avtar Singh Rahi**

**...Appellant**

**Versus**

**Hospitech Management Consultants  
Pvt. Ltd. (Through 'Interim Resolution  
Professional') & Anr.**

**...Respondents**

**Present:**

**For Appellant :           Mr. Pawanjit Singh Bindra, Advocate**

**For Respondents:       Mr. Ritu Raj Biswas, Advocate for R-2  
                                  Mr. Mani Bhushan Sinha, Advocate  
                                  Mr. Kumudshekhar, IRP**

**O R D E R**  
**(Through Virtual Mode)**

**10.06.2020**       Learned counsel for the Appellant submits that Respondent No. 2 – Mr. Nawal Kishore Prasad (Operational Creditor) is the sole creditor and 'Committee of Creditors' comprises of him only. Since the 'Committee of Creditors' has already been constituted and we are told by learned counsel for the 'Interim Resolution Professional' that there is no other claimant, the only legally permissible exit route for the 'Corporate Debtor' to come out from the rigour of 'corporate insolvency resolution process' is by way of taking recourse to mechanism under Section 12A of the 'Insolvency and Bankruptcy Code, 2016' ('**I&B Code**', for short).

We accordingly dispose of this appeal giving liberty to the 'Corporate Debtor' to approach the 'Committee of Creditors' through 'Interim Resolution

Professional' for permitting the 'Operational Creditor' to withdraw the application in view of settlement stated to have been arrived at, *inter-se*, the 'Operational Creditor' and the 'Corporate Debtor'. The appeal is accordingly disposed off. The interim directions shall stand vacated.

A copy of this order be sent to the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench for information.

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

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

**[ Shreesha Merla ]  
Member (Technical)**

/ns/rr/