

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

**I.A. No.1719 of 2020**

**in**

**Company Appeal (AT) (Ins) No.951 of 2019**

**IN THE MATTER OF:**

**Edwell Infrastructure Hazira Ltd.**

**...Appellant**

**Versus**

**Siddhi Vinayak Logistics Ltd. & Anr.**

**...Respondents**

**For Appellant:**                   **Shri Abhijeet Sinha, Shri Himanshu Satija and  
Shri Rohan Talwar, Advocates**

**For Respondents:**           **Shri Gopal Jain, Sr. Advocate with Shri Arvind  
Kumar Gupta, Ms. Henna George, Shri Mahesh  
Gupta and Ms. Purti Marwah, Advocates (R-2)  
Ms. Misha and Moulshree Shukla, Advocates (R-1)  
Shri Dushyant Manocha, Ms. Annanya Ghosh and  
Ms. Ragini Gupta, Advocates**

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

**07.12.2020**           Counsel for Appellant states that in Writ Petition 267 of 2020, Notice has been issued and Hon'ble Supreme Court issued directions on 10<sup>th</sup> February, 2020 that "There shall be stay of further proceedings in the meantime". Counsel for Appellant states that the Writ Petition has been filed challenging the validity of Insolvency and Bankruptcy Code Amendment Ordinance 2019 dated 28.12.2019. The same affects the present Appeal and hence the Writ Petition was filed.

Mr. Gopal Jain, Sr. Advocate submits that Applicant – Arkay Logistics Ltd. has filed I.A. No.2557 of 2020 as the directions of this Court dated 13<sup>th</sup>

September, 2019 requiring the IRP/RP to ensure the Company remains going concern have not been followed.

Considering that it is stated that the further proceedings in this Appeal have been stayed, we will await Judgement in the Writ Petition which is stated to be reserved by Hon'ble Supreme Court, on 8<sup>th</sup> October, 2020.

List the Appeal and I.A. No.2557 of 2020, on 11<sup>th</sup> January, 2021.

[Justice A.I.S. Cheema]  
Member (Judicial)

[Dr. Ashok Kumar Mishra]  
Member (Technical)

*rs/md*