

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

**Company Appeal (AT) (Ins) No.123 of 2020**

**IN THE MATTER OF:**

**Ashish Dynaneshwar Mahajan**

**...Appellant**

**Versus**

**Samarth Lifters Pvt. Ltd. & Anr.**

**...Respondents**

**For Appellant:**

**Shri Anshul Narayan and Shri Dhaval Deshpande,  
Advocates**

**For Respondents:**

**Shri Abhishek Sharma, Advocate (R-1)  
Shri Raghav Shankar, Ms. Ekta Bhasin and Ms.  
Shreya Singh, Advocates (for Intervenors)  
Ms. Mohini Priya and Shri Rohit Rajershi,  
Advocates (for IRP)**

**ORDER**

**12.02.2020** Learned Advocate - Shri Rohit Rajershi appears on behalf of IRP. He states that although the Appellant stated before this Tribunal on 23<sup>rd</sup> January, 2020 that COC (Committee of Creditors) has not been constituted, he states that his instructions are that COC was constituted on 3<sup>rd</sup> February, 2020.

The learned Counsel for the Appellant submits that in this matter, Application under Section 9 was admitted on 30<sup>th</sup> August, 2019 (Page – 63). It is stated that the Appellant settled with the Operational Creditor on 6<sup>th</sup> September, 2019 (Page – 79) and filed Application dated 9<sup>th</sup> September, 2019 before the Adjudicating Authority on 11<sup>th</sup> September, 2019 (see Pages- 71 and 75). It is stated that although the Application was admitted on 30<sup>th</sup> August, 2019, IRP was appointed only on 9<sup>th</sup> January, 2020 as per Order, copy of which is on record (Page – 98). It is stated that on the same date, the Adjudicating Authority (National Company Law Tribunal, Mumbai Bench)

rejected the Application under Section 12A filed by the Appellant and the Interveners were directed to go before the IRP for submitting their claims.

The Counsel for the Interveners is present and states that the Interveners had indeed filed separate Applications under Section 9 making out their claims which were all disposed directing them to file claims before the IRP. The Counsel wants to file Affidavit showing that such Applications were filed and the Operational Creditors were directed to go before IRP. He may file said Affidavit along with copies of the said Orders. The same may be filed within a week.

List the Appeal in 'Orders' category on 2<sup>nd</sup> March, 2020.

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

(Justice A.B. Singh)  
Member (Judicial)

[Kanthi Narahari]  
Member (Technical)

*/rs/md*