

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 947 of 2019

IN THE MATTER OF:

Manoj Kunwar Appellant

Vs

Oriental Bank of Commerce & Ors. Respondents

Present:

**For Appellant: Mr. Venancio D'Costa and Ms. Astha,
Advocates.**

**For Respondent: Mr. H.P. Bhardwaj, Advocate for Respondent
No.1.**

**Mr. Avinash Mohapatra, Advocate for
Respondent No.3-Liquidator.**

O R D E R

12.09.2019 Having heard learned Counsel for the Appellant, Mr. H.P. Bhardwaj, learned Counsel for 1st Respondent and Mr. Avinash Mohapatra, learned Counsel for the Liquidator-3rd Respondent and being satisfied with the grounds, the delay of 11 days in preferring the Appeal is condoned. Interlocutory Application No.2839 of 2019 stands disposed of.

Learned Counsel for the Appellant submits that the Appellant being the Promoter of the 'Corporate Debtor', Micro, Small and Medium Enterprises' (MSME) has already enclosed a fresh 'Plan' at Annexure 10 for consideration of the same by the 'Committee of Creditors', if this Appellate Tribunal set-aside the order of 'Liquidation' and time is allowed in terms of 3rd Proviso of amended sub-Section (3) of Section 12 of the I&B Code.

Learned Counsel for the Appellant will serve a copy of the paper-book on Mr. H.P. Bhardwaj, learned Counsel for 1st Respondent and Mr. Avinash Mohapatra, learned Counsel for 3rd Respondent in course of the day, who may file reply affidavits within 10 days. Rejoinder, if any, be filed within a week thereof.

In the meantime, let notice be issued on rest of the Respondents by Speed Post. Requisites along with process fee be filed by 13th September, 2019. If the Appellant provides the email addresses of the Respondents, let notice be issued through email.

Post the case 'for admission (after notice)' on **17th October, 2019** within three cases. The Appeal may be disposed of at the stage of admission.

Pendency of the case will not come in the way of the 'Committee of Creditors' to go through the revised 'Plan' submitted by the Appellant and they may give their expressive opinion by way of affidavit as may be filed by Oriental Bank of Commerce.

[Justice S. J. Mukhopadhaya]
Chairperson

[Kanthi Narahari]
Member (Technical)