

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 127-128 of 2020

IN THE MATTER OF:

Nityank Infrapower & Multiventures Pvt. Ltd. ...Appellant

Versus

Rakesh Rathi & Ors. ...Respondents

Present

**For Appellant: Mr. Ramji Srinivasan, Senior Advocate with
 Mr. Aman Raj Gandhi, Mr. Abhirath Thakur,
 Ms. Sanjana Arora, M. Abhishek Sharma and Mr.
 Rishab Kapur, Advocates.**

ORDER

28.01.2020 The Appellant has moved an application for impleadment of 'Vyom Telecom Infrastructure Private Limited' (the Successful Resolution Applicant) as Respondent No.4.

 Having regard to the fact that the 'Successful Resolution Applicant' is a proper and necessary party in this Appeal, we allow impleadment of 'Vyom Telecom Infrastructure Private Limited' as party Respondent No.4. The Appellant shall make necessary corrections in the cause-title and at all appropriate places of the Memo of Appeal. Interlocutory Application No.410 of 2020 is disposed of.

 Learned Counsel representing the Appellant submits that 'Resolution Plan' approved by the Adjudicating Authority overlooks the claim of the Appellant as a 'Financial Creditor' and the impugned order passed by the Adjudicating Authority being erroneous is legally unsustainable.

 Issue notice to the Respondents by Speed Post. Requisites along with process fee be filed by 29th January, 2020, if not already filed. If the Appellant provides email addresses of the Respondents, let notice be issued

through email. The Appellant will also take effective steps for effecting Dasti service.

Post the case 'for admission (after notice)' on **14th February, 2020**.

Implementation of the approved 'Resolution Plan' shall be subject to the outcome of this Appeal.

[Justice Bansi Lal Bhat]
Member (Judicial)

[Vijai Pratap Singh]
Member (Technical)

[Shreesha Merla]
Member (Technical)