

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

**Company Appeal (AT) (Insolvency) No. 241 of 2020**

**IN THE MATTER OF:**

**Pradip Kumar Chaudhuri**

**...Appellant**

**Versus**

**Dagcon (India) Pvt. Ltd.,  
Through its Resolution Professional,  
Bimal Agarwal**

**...Respondent**

**Present:**

**For Appellant :                    Mr. Saurabh Jain, Advocate**

**O R D E R**

**07.02.2020**            Let notice be issued on the Respondents as to why the Appeal be not disposed of in terms of the decisions of this Appellate Tribunal in ***'Flat Buyers Association Winter Hills-77 vs. Umang Realtech Pvt. Ltd. through IRP & Ors.'*** – *'Company Appeal (AT) (Insolvency) No. 926 of 2019'* disposed of on 4<sup>th</sup> February, 2020 and ***'Rajesh Goyal vs. Babita Gupta & Ors. - Company Appeal (AT) (Insolvency) No. 1056 of 2019'*** disposed of on 5<sup>th</sup> February, 2020. Requisites along with process fee be filed by 11<sup>th</sup> February, 2020.

Learned counsel for the Appellant is allowed to implead the 'Promoter' as party Respondent No. 2. Necessary corrections be made in the cause title of the Appeal and other relevant pages of the paper-books by 11<sup>th</sup> February, 2020. Learned counsel for the Appellant is also allowed to remove the defects as pointed out by the Office within a week.

Post the Appeal 'for orders' on **4<sup>th</sup> March, 2020** before the 1<sup>st</sup> Bench.

Until further orders, the 'Committee of Creditors' will not accept or approve any third party 'resolution plan'. The Adjudicating Authority will also not pass any order of 'Liquidation'.

In the meantime, the Interim Resolution Professional will ensure that the 'Corporate Debtor' remains a going concern, The infrastructure/flats/apartments be completed to keep the Company as a going concern. For the said reason, the persons who are working will perform their duties including the paid Directors. The person who is authorised to sign the Bank Cheques may issue cheques only after authorisation of the 'Interim Resolution Professional' with counter signature of the 'Interim Resolution Professional' at the back side of the cheques. In such case, the Bank shall release the payment. The 'Interim Resolution Professional' will place this order before the Banks, in which accounts of the 'Corporate Debtor' are maintained. The Bank Account(s) of the 'Corporate Debtor' be allowed to be operated for day-to-day functioning of the company such as for payment of Current Bills of the Suppliers, Salaries and Wages of the employees'/workmen, electricity bills etc.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Shreesha Merla ]  
Member (Technical)

/ns/RR/