

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal(AT) No. 108 of 2020

IN THE MATTER OF:

Gp Capt Atul Jain

...Appellant

Vs

Tripathi Hospital Pvt. Ltd. & Ors.

....Respondents

Present:

For Appellant: GP Capt Atul Jain, Appellant in person

**For Respondents: Mr. K. Ravi Ranjan and Ms. Shivani Kher,
Advocates**

O R D E R
(Through Virtual Mode)

27.07.2020 This matter has been registered as “Company Appeal”. Impugned order shows that it was an order passed in petition under Section 7 of Insolvency and Bankruptcy Code, 2016 (in short ‘**IBC**’). It appears that NCLT, Allahabad Bench did not register the Appeal as a proceeding under IBC although the matter was dealt with under the provision of IBC. The Application under Section 7 of IBC came to be rejected. This being so, the present Appeal should have been under the provision of IBC. The Appellant, however, at page 8 of Appeal Paper Book, states that it has been filed under Section 421(1) of the Companies Act, 2013. The Appeal should have been filed under Section 61 of IBC.

The Appellant, who appears in person, is permitted to carry out necessary corrections and the Appeal be re-numbered as Insolvency Appeal. The Registry will assist the Appellant in carrying out necessary corrections. After being re-

numbered, the Registry will check for limitation and other objections, if any. Re-numbered matter may be then listed, after necessary compliance, for Admission.

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

[Justice Venugopal M.]
Member (Judicial)

(Kanthi Narahari)
Member(Technical)

Akc/Md