

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal(AT) (Insolvency) No. 351 of 2020**

**IN THE MATTER OF:**

**Earth Gracia Buildcon Pvt. Ltd.  
Through its Resolution Professional  
Ms. Manisha Rawat**

**...Appellant**

**Vs**

**Committee of Creditors  
of Earth Gracia Buildcon Pvt. Ltd.**

**....Respondent**

**Present:**

**For Appellant: Mr. Sandeep Bisht and Mr. Sahikhar Shrivastava,  
Advocates**

**For Respondent: None.**

**ORDER**

**28.02.2020** Learned Counsel for the Appellant states that the Appellant Company- Earth Gracia Buildcon Pvt. Ltd. had lent money to Respondent Company –Earth Infrastructure Ltd. Now, both the Companies are undergoing Corporate Insolvency Resolution Process. The Appellant is IRP of Earth Gracia Buildcon Pvt. Ltd. The Appellant had moved Adjudicating Authority (National Company Law Tribunal, Division Bench, Delhi, Bench-III) as the IRP of Respondent did not accept the claim of the Appellant Company. It is stated that the Adjudicating Authority has on wrong premise rejected the request. It is accepted that the Directors and shareholders of these Companies are common.

Issue notice to Respondent by Speed Post. Requisites along with process fee, if not filed, be filed by 29.02.2020. If the Appellant provides the e-mail address of Respondent, let notice be also issued through e-mail.

Respondent to file Reply Affidavit.

List the Appeal on **30<sup>th</sup> March, 2020**.

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

[Justice Anant Bijay Singh]  
Member (Judicial)

(Kanthi Narahari)  
Member(Technical)

*Akc/Mn*