

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Company Appeal (AT) (Insolvency) No. 403 of 2020**

In the matter of:

Om Prakash Rajgarhia, Erstwhile Managing Director,Appellant
Overnite Express

Vs.

Hi Tech Resource Management Ltd. & Anr.Respondents

Present:

Appellant: Mr. Monish Panda, Mr. Kshitiz Arya, Advocates.

**Respondents: Mr. Abhishek Anand, Mr. Viren Sharma, Ms. Aishwarya, Advocates for R2-IRP
Mr. Yash Vardhan Deora, Mr. Pranit Bag, Advocates for R1.
Mr. Paras Dawar, PCA for Intervenors**

ORDER

(Through Virtual Mode)

04.02.2021: Mr. Pranit Bag, Advocate appears on behalf of Respondent No.1. Mr. Abhishek Anand, Advocate appears on behalf of Respondent No.2.

It is stated at the Bar that the endeavors for settlement have failed. Therefore, Corporate Insolvency Resolution Process will continue.

Respondents may file their reply-affidavits within two weeks. Rejoinder, if any, may be filed by the Appellant within two weeks thereof.

Mr. Paras Dawar, PCA has drawn our attention on two intervention applications, one being I.A No. 1227 of 2020 and the other being IA. No.1261 of 2020 seeking intervention of 'Vandana Motors' through its partners Mr. Pradeep Kumar Gupta, Mr. Sanjit Roy Ghatak, Mr. Pankaj Saxena, Mr. Shyam Joshi, Mr. B. Kumar and Mr. Vipin Chandra as intervenors on the ground that they are Operational Creditors and were represented before the Adjudicating Authority. We accordingly allow them to intervene.

Contd/-.....

CIRP will continue since endeavors for settlement have reportedly failed. Embargo placed on constitution of Committee of Creditors (COC) is removed. The Resolution Professional may constitute the COC which shall proceed ahead with CIRP.

Short written submissions not exceeding three pages may also be filed by the parties along with the pleadings supported by the relevant case law.

List the appeal 'for orders' on 1st March, 2021.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

**[Dr. Alok Srivastava]
Member (Technical)**

AR/g