

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

**Company Appeal (AT) (Insolvency) No. 528 of 2020**

**IN THE MATTER OF:**

**Arenja Enterprises**

**...Appellant**

**Vs.**

**Edward Keventer (Successors) Pvt. Ltd.**

**...Respondent**

**Present: For Appellant: - Mr. Piyush Singh and Mr. Akshay Srivastava, Advocates.**

**For Respondent: -Mr. Rajiv Nayar, Senior Advocate with Mr. Kartik Nayar, Mr. Dheeraj P. Rao and Ms. Meghna Mishra, Advocates.**

**O R D E R**

**(Through Virtual Mode)**

**15.06.2020—** Appellant is aggrieved of dismissal of its application filed under Section 7 of the Insolvency and Bankruptcy Code, 2016 for triggering ‘Corporate Insolvency Resolution Process’ against the ‘Corporate Debtor’. It is submitted that the impugned order is erroneous in as much as the Appellant, on the strength of Decree dated 10<sup>th</sup> April, 1996 based on the Settlement Agreement recorded by the Hon’ble High Court of Delhi, falls within the definition of an ‘allottee’ and since default has occurred, the Appellant was entitled to initiate ‘Corporate Insolvency Resolution Process’.

Contd/-.....

Mr. Rajiv Nayar, learned Senior Counsel appearing on behalf of the Respondent submits that there is no 'financial debt' and the Appellant does not fall within the ambit of 'Financial Creditor'.

It is further submitted that the Execution Petition in regard to execution of the decree which had been rejected by the District Court, has been stayed by the Hon'ble High Court of Delhi.

Learned counsel for the Respondent submits that since the parties are before the Civil Court, the proceedings for initiation of the 'Corporate Insolvency Resolution Process' are not maintainable.

Heard learned counsel for the parties. Hearing concluded.

**Judgment reserved.**

Written submissions may be filed by the learned counsel for the parties, not exceeding three pages, within five days.

[Justice Bansi Lal Bhat]  
Acting Chairperson

[V.P. Singh]  
Member(Technical)

[Alok Srivastava]  
Member(Technical)

Ar/G