

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

**I.A. No.516 of 2020**

**in**

**Company Appeal (AT) (Ins) No.1113 of 2019**

**IN THE MATTER OF:**

**Manoj K. Daga**

**...Appellant**

**Versus**

**ISGEC Heavy Engineering Pvt. Ltd. & Anr.**

**...Respondents**

**For Appellant:**

**Shri Abhijeet Sinha and Ms. Prachi Johri,  
Advocate**

**Shri Manoj Daga and Shri Deepak Daga**

**For Respondents:**

**Shri Shambhu Sharan and Shri Shashank  
Bhansali, Advocates (R-1)**

**Shri Vivek Sehgal, AR**

**Shri Sandeep Bajaj, Ms. Aakanksha Nehra and  
Shri Dhananjaya Sud, Advocates (R-2)**

**Shri P.V. Dinesh, Ms. Sindhu and Shri Ashwini  
Kumar Singh, Advocates (R-3)**

**O R D E R**

**05.02.2020**      The Respondents in I.A. No.516 of 2020 have in response to the Order dated 3<sup>rd</sup> February, 2020, filed Affidavits. The Affidavit filed by Shri Deepak Daga is at Diary No.18601. It is along with Undertaking. The other Respondent – Manoj Daga has tendered Affidavit at Bar along with Undertaking dated 5<sup>th</sup> February, 2020. Shri Manoj Daga is present and states that Deepak Daga had attended this Court in the morning but as he was not feeling well, he has left. The learned Counsel – Ms. Prachi Johri and Shri Abhijeet Sinha are present for both these Respondents (in I.A.) and state that these Respondents have understood the Affidavits which are tendered and after understanding the Undertakings they have signed the same. The Affidavits and Undertakings of both these Respondents are accepted and taken on record. These Respondents shall comply with the Undertaking given.

The learned Counsel for IRP accepts that Rs.5,50,12,146/- needs to be returned.

The learned Counsel for the Appellant states that the Appellant is taking steps to settle the dispute with the Original Operational Creditor as well as sole Financial Creditor – State Bank of India and will make efforts to settle with other Operational Creditors also. The Counsel makes request to continue the Interim Order not to constitute COC (Committee of Creditors) for short period to give time to the Appellant to settle with all the debtors.

For reasons stated, one opportunity is given.

List the Appeal in 'Orders category' on **26<sup>th</sup> February, 2020** before which date the Appellant must ensure settlement as stated by the learned Counsel. In default, we will proceed to vacate the direction with regard to constitution of COC.

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

(Justice A.B. Singh)  
Member (Judicial)

[Kanthi Narahari]  
Member (Technical)

*/rs/md*