

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 1035 of 2020

In the matter of:

Nidhi Rekhan

....Appellant

Vs.

Samyak Projects Pvt. Ltd.

....Respondent

Present:

**Appellant: Mr. Manish Kaushik, Mr. Mishal Johari and Mr. Mani
 Bhadra Jain, Advocates.**

ORDER

(Through Virtual Mode)

04.12.2020: Aggrieved of dismissal of his application under Section 7 of the Insolvency and Bankruptcy Code, 2016 at the hands of Adjudicating Authority (National Company Law Tribunal), New Delhi Bench-V, the Appellant-allottee assails the impugned order dated 20th October, 2020 *inter alia* on the ground that the Corporate Debtor while accepting back rights over the flat allotted to Appellant undertook to return the invested amount providing refund cheque for an amount of Rupees One Crore and also issued various cheques from time to time for assured returns which were dishonored. It is submitted by Mr. Manish Kaushik, Advocate representing the Appellant that it was not a Settlement Agreement as held by the Adjudicating Authority and refund of money with the assured returns coupled with the fact that the Appellant was an allottee brings the amount claimed within the fold of 'Financial Debt'.

Contd/-.....

Issue notice upon Respondent. Appellant to provide mobile Nos./ e-mail address of the Respondent. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within three days.

List the appeal 'for admission (after notice)' on 15th January, 2021.

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

**[Justice Anant Bijay Singh]
Member (Judicial)**

AR/g