

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 557 of 2020

IN THE MATTER OF:

Madhusudan Tantia

...Appellant

Versus

Amit Choraria & Anr.

...Respondents

Present:

For Appellant :

Mr. Sanjay Ginodia, Mr. Jishnu Shah and Mr. Dhirendra Nath Sharma, Advocates

For Respondent :

Mr. Amit Choraria and Mr. H.M. Choraria, Advocates for Respondent No. 1

Mr. Anjan Kr. Roy, Advocate for Respondent No. 2

O R D E R

(Through Virtual Mode)

18.06.2020 Apart from other issues raised in this appeal, learned counsel for the Appellant submits that in terms of Notification S.O. 1205 (E) dated 24th March, 2020 issued by the Ministry of Corporate Affairs the threshold limit for initiation of the 'corporate insolvency resolution process' having been raised from Rupee one Lakh to Rupee one Crore as the minimum amount of default, the impugned order cannot be sustained.

Mr. Anjan Kr. Roy, Advocate appearing on behalf of Respondent No. 2 (Operational Creditor) submits that the application under Section 9 of the 'I&B Code' was filed by the 'Operational Creditor' prior to 24th March, 2020 and on that date the 'Operational Creditor' was legally entitled to seek triggering of 'corporate insolvency resolution process' on the basis of the threshold limit of Rupees One Lakh.

Issue Notice on the Respondents.

Mr. H.M. Choraria, Advocate waives and accepts notice on behalf of Respondent No. 1 and Mr. Anjan Kr. Roy, Advocate waives and accepts notice on behalf of Respondent No. 2. No further notice is required to be served upon the Respondents.

Respondents may file their reply-affidavit along with short written submissions within a week followed by filing of rejoinder, if any, within a week thereof along with short written submissions.

List the matter 'for Admission (After Notice)' on **14th July, 2020**.

Meanwhile, the 'corporate insolvency resolution process' will continue. However, no meeting of the 'Committee of Creditors' shall be conducted till the next date of hearing.

[Justice Bansi Lal Bhat]
Acting Chairperson

[V.P. Singh]
Member (Technical)

[Alok Srivastava]
Member (Technical)

/ns/gc/