

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

**Company Appeal (AT) (Ins) No.284 of 2020**

**IN THE MATTER OF:**

**Rajiv Kumar Agarwalla**

**...Appellant**

**Versus**

**Rajesh Kejriwal & Ors.**

**...Respondents**

**For Appellant:**

**Shri Rajiv Ranjan, Sr. Advocate with Shri Bharat Sood, Advocate  
Dr. Dhanpat Ram Agarwal, CA**

**For Respondents:**

**Shri Arjun Asthana and Ms. Sreenita Ghosh,  
Advocates**

**ORDER**

**17.02.2020** Counsel for Appellant to file copy of the earlier Appeal (without Annexures) having Company Appeal (AT) (Ins) No.65 of 2018.

It appears that the learned Adjudicating Authority (National Company Law Tribunal, Kolkata Bench, Kolkata) had admitted the Application under Section 7 on 15<sup>th</sup> January, 2018 (Annexure A-6). Against the said Order, Appeal was filed which came to be dismissed. It is stated that thereafter, the Appellant went before the Adjudicating Authority and raised ground that the Corporate Debtor was NBFC. The Adjudicating Authority has dismissed the same and thus, the present Appeal. It is stated that against earlier rejection of the Appeal, the Appellant had filed Civil Appeal Nos.167-168 of 2020 before the Hon'ble Supreme Court and the Hon'ble Supreme Court permitted withdrawal of the Appeals and the question of law was left open. The Appellant may file copy of the Appeal Memo before the Hon'ble Supreme Court also.

We are not issuing Notice at present unless the Appellant satisfies us whether a case is made out in this Appeal for issue of Notice. Advocate – Shri Arjun Asthana is present on his own and states that he represents Respondent No.21 – Jitendra Lohia – the Liquidator. The learned Counsel may assist us on next date.

List the Appeal as ‘fresh case’ on 12<sup>th</sup> March, 2020.

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

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

[Kanthi Narahari]  
Member (Technical)

*/rs/md*