

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 468 of 2020

In the matter of:

Edelweiss Finvest Pvt. Ltd.

....Appellant

Vs.

Ramswarup Industries Ltd.

....Respondent

Present:

Appellant: Mr. Jayant Mehta and Ms. Sonia Dube, Mr. Shatardu Chakraborty and Ms. Kanchan Yadav, Advocates.

Respondent: Mr. Aman Verma and Ms. Smriti Churiwal, Advocates for CoC.

ORDER
(Through Virtual Mode)

03.06.2020: Mr. Jayant Mehta, Advocate appearing for the Appellant submits that after discovering that he had been representing the Respondent in this very matter before the Hon'ble Apex Court in the past, he wants to withdraw.

In the circumstance, he is permitted to withdraw as the authorized legal counsel of the Appellant. Mr. Shatardu Chakraborty, Advocate alongwith Ms. Kanchan Yadav, Advocate appears for the Appellant.

Contd..../

After hearing learned counsel for the Appellant for a while, it appears that in terms of order dated 03.02.2020 the Hon'ble Apex Court has permitted the Appellant to withdraw the Special Leave Petitions with liberty to file appeal before this Appellate Tribunal. The instant appeal has been filed on 25.02.2020. Thus reckoned from the date of order of Hon'ble Apex Court granting liberty to Appellant to file the instant appeal, the appeal has been filed with the prescribed period of 30 days and no condonation of delay is required to be sought by the Appellant. I. A. No. 1221 is accordingly disposed of.

The issue raised in this appeal is that since the Hon'ble Apex Court had in terms of order dated 6th May, 2019 passed in the Civil Appeal No. 4001 of 2019 permitted the Appellant to participate in the resolution process going on before the Adjudicating Authority in CP(IB)349/KB/ of 2017 and the impugned order came to be passed thereafter, though the Committee of Creditors had already approved the Resolution Plan, it was not prudent on the part of the Adjudicating Authority to dismiss the claim of the Appellant.

Issue notice upon Respondent. Appellant to provide email addresses of the Respondents. Notice be issued through email or any other available mode. Requisites along with process fee be filed within three days.

At this stage, we find that the Committee of Creditors is a necessary party, which has been left out by the Appellant. We direct impleadment of Committee of Creditors as 2nd Respondent. Appellant to carryout necessary corrections in the cause title and body of the paper book at all relevant places in two weeks.

At this stage, Mr. Aman Verma, Advocate accepts notice on behalf of newly impleaded 2nd Respondent. He may file reply affidavit within three weeks. Rejoinder may be filed within one week thereof.

List the appeal 'for admission (after notice)' on **17th July, 2020** before this bench.

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

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

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

am/gc

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