

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 18 of 2020**

**In the matter of:**

**Ashok Gulabchand Baid**

**....Appellant**

**Vs.**

**Starwing Plastic & Chemicals Pvt. Ltd. & Anr.**

**....Respondents**

**Present:**

|                     |                                           |
|---------------------|-------------------------------------------|
| <b>Appellant:</b>   | <b>Present but appearance not marked.</b> |
| <b>Respondents:</b> | <b>Mr. Sumit Kansal, Advocate for IRP</b> |

**ORDER**

**14.02.2020:** The issue raised in the appeal is whether the Respondent – ‘Starwing Plastic & Chemicals Pvt. Ltd.’ falls within the definition of ‘Operational Creditor’.

Let notice be issued on Respondents by Speed Post. Requisites alongwith process fee, if not already filed, be filed by 17<sup>th</sup> February, 2020. If the Appellant provides email address of the Respondents, let notice be also issued through email.

Post the appeal ‘for admission (after notice)’ on **4<sup>th</sup> March, 2020.**

Until further order, the Interim Resolution Professional may collate the claims but shall not place the same before the Committee of Creditors. However, he will ensure that the company remains going concern and will take assistance of the (suspended) Board of Directors. The persons who are working will perform their duties including the paid Directors. The person who is

authorised to sign the bank cheques may sign cheques only after authorisation of the 'Interim Resolution Professional' with counter signature of the 'Interim Resolution Professional' at the back side of the cheques. In such case, the Bank shall release the payment. The Interim Resolution Professional will place this order before the Banks, in which accounts of Corporate Debtor are maintained. The Bank Account(s) of the 'Corporate Debtor' be allowed to be operated for day-to-day functioning of the company such as for payment of Current Bills of the Suppliers, Salaries and Wages of the employees'/workmen, electricity bills etc.

**[Justice Bansi Lal Bhat]**  
**Member (Judicial)**

**[V. P. Singh]**  
**Member (Technical)**

**[Shreesha Merla]**  
**Member (Technical)**

*am/nn*