

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

**Company Appeal (AT) (Insolvency) No. 803 of 2020**

**IN THE MATTER OF:**

**C.E. Fernandes**

**... Appellant**

**Versus**

**Naveen Sood, RP for  
GEI Industrial Systems Ltd.**

**...Respondent**

**Present:**

**For Appellant : Mr. Davesh Bhatia, Advocate**

**For Respondent : Mr. Naveen Sood, RP**

**Mr. Gaurav Mathur, Ms. Anushree Kapadia and Mr.  
Anvi Majumdar, Advocates for 'CoC'**

**O R D E R**

**(Through Virtual Mode)**

**15.10.2020** Reply filed by the Respondent is taken on record. Rejoinder, if any, may be filed by the Appellant within two weeks. Written submissions, not exceeding three pages supported by the relevant case laws, may be filed by the parties within two weeks.

At this stage Mr. Gaurav Mathur, Advocate appeared on behalf of 'Committee of Creditors' and submitted that 'Committee of Creditors' which is a necessary party, has not been arrayed as party-respondent in the instant appeal. Having regard to the fact that the issue raised in this appeal is in regard to determination of status of the 'Corporate Debtor' as an 'MSME' and in terms of the impugned order the resolution applicant/promoter has been directed to approach 'Committee of Creditors' for determination of 'Corporate Debtor' as an 'MSME', we are of the considered opinion that 'Committee of Creditors' is a necessary party and without its impleadment the issue involved cannot be effectually determined. We direct the addition of 'Committee of Creditors' as party Respondent No. 2. Appellant may carry out necessary

amendment/correction in the 'Memo of Appeal' and other relevant pages in the course of the day and provide complete set of paper-book to Mr. Gaurav Mathur, Advocate for 'CoC', who will file his reply-affidavit within two weeks. Rejoinder thereto, if any, may be filed within two weeks thereof.

List the matter on **2<sup>nd</sup> December, 2020**.

The interim directions to be continued.

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

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

**[ Dr. Alok Srivastava ]  
Member (Technical)**

/ns/gc/

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