

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

**Comp. App (AT) (Insolvency) No. 886 of 2020**

**IN THE MATTER OF:**

**Shyam Metalics & Energy Ltd.**

**...Appellant**

**Versus**

**Aanchal Iron & Steel Pvt. Ltd. & Anr**

**...Respondents**

**Present:**

**For Appellant :**

**Mr. Sudhir Makkar, Senior Advocate with  
Ms. Niharika Sharma, Mr. Sanjay Bhatt and Mr.  
Rahul Mendiratta, Advocates**

**For Respondents :**

**Mr. Diwakar Maheshwari, Mr. Aditya V. Singh, Ms.  
Pratiksha Mishra, Advocates for R-1  
Mr. Sumant Batra, Advocate for IRP**

**O R D E R**

**(Through Virtual Mode)**

**12.10.2020** The issue raised in this appeal against the admission of application of Respondent (Corporate Debtor) under Section 9 of the 'I&B Code' is that there was a pre-existing dispute and that no charcoal supply was ordered and received. Mr. Sumant Batra, Advocate representing the IRP (Respondent No. 2) submits that an application has been moved before the Adjudicating Authority (National Company law Tribunal), Kolkata Bench, Kolkata for withdrawal by the 'Operational Creditor' under Section 12A and the matter is listed before the Adjudicating Authority today. It is submitted on behalf of Respondent No. 1 (Operational Creditor) that an application for insolvency resolution is pending before this Appellate Tribunal against one of the group companies in '*Company Appeal (AT) (Insolvency) No. 769 of 2020*', which is fixed on 15<sup>th</sup> October, 2020.

Let this matter be adjourned to **15<sup>th</sup> October, 2020**.

Meanwhile, constitution of the 'Committee of Creditors' is put on hold till the next date of hearing.

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

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

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

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