

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

**Company Appeal (AT) (Insolvency) Nos. 85-86 of 2020**

**IN THE MATTER OF:**

**Excel Engineering & Ors.**

**...Appellants**

**Vs.**

**Vivek Murlidhar Dabhade**

**...Respondent**

**Present: For Appellants: - Mr. Abhijeet Sinha, Mr. R.K. Rohit, Mr. Amit Kumar and Mr. Sumit Bishnoi, Advocates.**

**For Respondent:- Mr. Jatin Zaver and Mr. Neel Kamal Mishra, Advocates.**

**Mr. Ritesh Mahajan, C.S for R.P.**

**O R D E R**

**23.01.2020—** Learned counsel for the Appellant submits that the certified copy of the impugned order was supplied to the Appellant- 'Operational Creditor' on 20<sup>th</sup> December, 2019 and the appeals were filed immediately thereafter on 3<sup>rd</sup> January, 2020 and therefore, there is no delay. However, if it is counted from the date of the impugned order then there is delay of one day and therefore, the condonation of delay has been filed to be on the safer side.

Having heard learned counsel for the parties, we hold that there is no delay in preferring the Appeal. I.A. No. 297 of 2020 stands disposed off.

Contd/-.....

Mr. Jatin Zaver, Advocate filed Caveat on behalf of the 'Successful Resolution Applicant' namely- 'M/s. Shri Dutt India Private Limited'. Counsel for the Appellant prays for and is allowed to implead 'M/s. Shri Dutt India Private Limited' as 2<sup>nd</sup> Respondent. Mr. Ritesh Mahajan, Advocate appears on behalf of 1<sup>st</sup> Respondent- 'Resolution Professional'. Learned counsel for the Appellant will serve a copy of the paper book on each of them in the course of day. The Respondents may file reply affidavit along with Vakalatnama by 28<sup>th</sup> January, 2020.

It will be open to the 2<sup>nd</sup> Respondent to suggest re-distribution of the amount payable to the 'Operational Creditors' including the statutory dues of the Government and suppliers of goods those who have rendered services. They may club together for its re-distribution.

Post the case 'for orders' on 30<sup>th</sup> January, 2020 before the 1<sup>st</sup> Bench on the top of the list.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Shreesha Merla)  
Member(Technical)

Ar/RR