

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 1034 of 2020**

**IN THE MATTER OF:**

**Rakesh Kumar Agarwal & Ors.**

**...Appellants**

**Versus**

**Devendra P. Jain**  
**Liquidator of M/s Asis Logistics Ltd.**

**...Respondent**

**Present:**

**For Appellants: Mr. Rajesh Bohra and Ms. Kajal Bhatia, Advocates.**

**For Respondent:**

**ORDER**  
**(Through Virtual Mode)**

**03.12.2020:** Appellants are aggrieved of impugned order dated 15<sup>th</sup> October, 2020 passed by the Adjudicating Authority (National Company Law Tribunal), Ahmedabad Bench Court II by virtue whereof Appellants' application under Section 10 of the I&B Code came to be rejected on the ground that the Corporate Debtor does not fall within the criteria of MSME. The issue raised in this appeal is that the Corporate Debtor is not required to be a MSME on the date of filing of Section 10 application and Scheme under Section 230 of the Companies Act, 2013 can be filed at any stage of liquidation if the Promoter on the date of filing of the Scheme are classified as MSME.

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Issue notice upon Respondent. Appellants to provide mobile Nos./e-mail address of the Respondent. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within three days.

List the matter 'for admission (after notice)' on **19<sup>th</sup> January, 2021**.

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

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

*am/gc*