

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

**Company Appeal (AT) (Insolvency) No. 647 of 2020**

**IN THE MATTER OF:**

**M/s. Skylark Mansions Pvt. Ltd.**

**...Appellant**

**Versus**

**M/s. Skylark Ithaca Buyers Welfare Association**

**...Respondent**

**Present:**

**For Appellant :**

**Mr. Arun Kathpalia, Senior Advocate  
Mr. Shashikiran Shetty, Senior Advocate with  
Mr. Mahesh Thakur, Advocate**

**For Respondents :**

**Mr. Vipul Ganda and Mr. Aman, Advocates  
Mr. Abhijeet Sinha and Ms. Neeha Nagpal, Advocates  
for Intervenor  
Mr. Hudson Sameul, Advocate for Caveator  
Mr. Rajnish Sinha, Advocate for RP**

**O R D E R**  
**(Through Virtual Mode)**

**30.07.2020** This appeal appears to have been filed by the ‘Corporate Debtor’ and in the light of the dictum of the Hon’ble Apex Court in **“Innoventive Industries Ltd. Vs. ICICI Bank and Ors. – (2018) 1 SCC 407** (Para 11)”, the appeal is not maintainable. In the given fact situation, Mr. Arun Kathpalia, learned Senior Counsel representing the Appellant seeks to file substitution application by an eligible person and to transpose ‘*Skylark Mansions Pvt. Ltd.*’ (Corporate Debtor) as party-respondent No. 2 through Resolution Professional. As prayed, the substitution application be filed within two days.

List the matter ‘for Admission (Fresh Case)’ on **4<sup>th</sup> August, 2020.**

If there is any application filed by “***Xander Finance Pvt. Ltd. vs. Skylark Ithaca Buyers Welfare Association & Ors.***” seeking intervention, the same be listed along with this appeal.

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

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

[ **Kanthi Narahari** ]  
Member (Technical)

/ns/gc/