

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 671 of 2020

&

I.A. No. 2116 of 2020

IN THE MATTER OF:

Amardeep Singh Bhatia

...Appellant

Versus

**Abhishek Nagori, Liquidator of
Asian Natural Resources (India) Ltd. & Ors.**

...Respondents

Present: -

For Appellant: Mr. Arvind Kumar, Advocate.

For Respondent: Mr. Mukund P. Unny, Advocate for R-1

**Mr. Ratnanko Banerji Sr. Advocate with Mr. Arvind
Kumar Gupta, Ms. Pabitra Dutta, Advocates for
Intervenor.**

**Mr. Aditya Krishnamurthy and Mr. Prashant Bharadwaj,
Advocates**

WITH

Company Appeal (AT) (Insolvency) No. 792 of 2020

IN THE MATTER OF:

Vitol S.A.

...Appellant

Versus

Abhishek Nagori & Ors.

...Respondents

Present: -

**For Appellant: Mr. Ratnanko Banerji, Sr. Advocate with Mr. Arvind
Kumar Gupta, Ms. Pabitra Dutta and Mr. Prashant
Bharadwaj, Advocates**

For Respondent: Mr. Mukund P. Unny, Advocate for R-1

Mr. Arvind Kumar, Advocate for R- 3, 4, 6 & 8.

ORDER

(Virtual Mode)

15.02.2021 In Company Appeal (AT) (Insolvency) No. 671 of 2020 and
I.A. No. 2116 of 2020 on 18.01.2021 Learned Counsel for the Appellant was
directed to take fresh steps on notice on Respondent No. 5 within three days.

2. Today, when the case was called out Learned Counsel for the Appellant
and Respondent is present.

3. From the perusal of the Office Note dated 11.02.2021 reveals that notices could not be delivered on Respondent No. 5. Speed Post notice is on the record and the postal addressee is left.

4. Learned Counsel for the Appellant submits that Respondent No. 5 (Khalid Baig) who is a one of Director of Suspended Board and is a Performa Respondent. Despite twice notices were issued to him but Respondent No. 5 failed to appear. So the Appeal can proceed against him ex-parte. Learned Counsel for the Respondent did not objected this prayer.

5. In Company Appeal (AT) (Insolvency) No. 792 of 2020 Learned Counsel for the Appellant is present. Mr. Arvind Kumar, Advocate appeared on behalf of the Respondent Nos. 3, 4, 6 & 8 submits that he has filed Reply Affidavit on behalf of Respondent Nos. 3, 4 & 6 on 05.12.2020 which is taken on record.

6. Learned Counsel for the Appellant submits that Rejoinder to the Reply Affidavit on behalf of Respondent Nos. 3, 4 & 6 have been filed on 16.12.2020 which is taken on record.

7. Further Learned Counsel for the Respondent Nos. 3, 4 & 6 submits that he has not received Rejoinder filed by the Appellant.

8. Learned Counsel for the Appellant is directed to serve Hard Copy of Rejoinder to the Learned Counsel for the Respondents within one week.

9. From the perusal of the Office Note dated 21.10.2020 reveals that notices were delivered on Respondent Nos. 3, 3A, 4, 5, 6, 8 & 9 but notices were not delivered on 2 & 7.

10. Respondent No. 2 is Asian Natural Resources (India) Ltd. which is a Liquidator of Respondent No. 1. Respondent No. 1 is appeared and also file Reply Affidavit.

11. So far Respondent No. 7 (Khalid Baig) is concerned in analogous Appeal bearing Company Appeal (AT) (Insolvency) No. 671 of 2020 appropriate orders were passed.

12. Learned Counsel for the Appellant submits that so far Respondent Nos. 5 (Manjeet Singh Bhatia) is concerned notices were validly served and compliance Affidavit has also been filed on 20.11.2020 which is reads as under:

That in compliance of the order dated 28.10.2020, the copy of the appeal paper book in Company Appeal (AT) (Insolvency) No. 792 of 2020 has been supplied to Ms. Heena Goerge, Advocate appeared for Respondent No. 3 to 8. The copy was earlier sent on 27.10.2020. Copy of the email is annexed herewith as Annexure A-1.

13. Mr. Mukund P. Unny, Advocate for Respondent No. 1 seeks time to file Reply Affidavit to the I.A. No. 2116 of 2020 filed by the Appellant in Company Appeal (AT) (Insolvency) No. 671 of 2020 within one week. Permission is granted.

14. List both these Appeals along with I.A. No. 2116 of 2020 'For Admission (After Notice) on **15th March, 2021.**

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

**[Ms. Shreesha Merla]
Member (Technical)**

R.N./ nn /