

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT)(Ins) No. 712 of 2019

IN THE MATTER OF:

Bhagwan Singh Rawat.

...Appellant

Versus

State Bank of India

...Respondent

Present

For Appellant:

Mr. Abhijeet Sinha, Mr. Arjun Asthana, Ms. Sreenita Ghosh, Mr. Saikat Sarkar and Mr. Rhul Gupta, Advocates

ORDER

15.07.2019 Having heard learned counsel for the appellant and being satisfied with the grounds, the delay of 2 days in preferring the appeal is condoned.

I.A. No. 2177 of 2019 stands disposed of.

The Appellant has challenged the admission of application u/s 7 of the 'Insolvency and Bankruptcy Code, 2016 on the ground that there is no default (wilful default) on the part of the 'Corporate Debtor' in the facts and circumstances of the case. However, the 'Corporate Debtor' through 'Interim Resolution Professional' has not been impleaded as Respondent. Learned counsel for the Appellant prays for and is allowed to implead 'Kannu Aditya (India) Ltd.' through 'Interim Resolution Professional' as party-respondent. Necessary corrections be made in the cause-title of the relevant pages of the paper-book by 16th July, 2019.

Learned counsel for the Appellant also submits that the account of the 'Corporate Debtor' having frozen on wrong presumption with regard to the default on the part of the other parties and it cannot be alleged that there is a

default on the part of the 'Corporate Debtor'. This issue has not been considered by the Adjudicating Authority in the right aspect.

Let notice be issued on the respondents by Speed Post. Requisite along with process fee, if not filed, be filed by 17th July, 2019.

Post the case 'for Admission (After Notice)' on 27th August, 2019.

During the pendency of this appeal, the Interim Resolution Professional will not withdraw any Writ Petition or any case from any Court of Law or any Tribunal filed by the 'Corporate Debtor' – 'Kannu Aditya (India) Limited' without prior permission of this Appellate Tribunal. Further, in the meantime, the 'Interim Resolution Professional' will ensure that the company remains going concern and will take assistance of the (suspended) Board of Directors and the officers/ Directors/employees. The person who is authorised to sign the bank cheques may issue cheques but only after approval of the 'Interim Resolution Professional'. The bank account of the 'Corporate Debtor' be allowed to be operated for day-to-day functioning of the company such as for payment of current bills of the suppliers, salaries and wages of the employees'/workmen electricity bills etc.

[Justice S.J. Mukhopadhaya]
Chairperson

[Balvinder Singh]
Member (Technical)

[Kanthi Narahari]
Member (Technical)