

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 58 of 2020

IN THE MATTER OF:

**Mr. Harrish Khurana
Liquidator of M/s. TEIL Projects Ltd. ...Appellant**

Vs.

M/s. Engineers India Ltd. & Anr. ...Respondents

Present: For Appellant: - present but not marked appearance

**For Respondents:- Mr. Anil Kaushik and Mr. Abhishek
Mishra, Advocates.**

O R D E R

16.01.2020— The question arises for consideration in this appeal is whether the provisions of Section 59 of the Insolvency and Bankruptcy Code, 2016 (“I&B Code” for short) can be made applicable under Voluntary Liquidation initiated pursuant to the Companies Act, 1956 and procedure to be followed and in such case, whether the appeal under Section 42 of the ‘I&B Code’ is maintainable before the Adjudicating Authority (National Company Law Tribunal).

Mr. Anil Kaushik, Advocate along with Mr. Abhishek, Advocate appears on behalf of ‘M/s. Engineers India Limited’. He is allowed to file a short reply-affidavit mainly on the question of law within a week. Rejoinder, if any, be filed within five days thereof.

Contd/-.....

Let notice be issued on 2nd Respondent by speed post. Requisite along with process fee, if not filed, be filed by 17th January, 2020. If the Appellant provides the e-mail address of 2nd Respondent, let notice be also issued through e-mail.

Post the case 'for orders' on 4th February, 2020 before the 1st Bench. The appeal may be disposed of on the next date.

Until further orders, the operation of the impugned order dated 29th November, 2019 passed by the Adjudicating Authority (National Company Law Tribunal) shall remain stayed.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/RR