

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 1029 of 2020

IN THE MATTER OF:

Amit Suresh Bhatnagar

...Appellant

Versus

Bhuvan Madan

...Respondent

Present:

**For Appellant: Mr. Manu Aggarwal and Ms. Ankita Bansal,
Advocates.**

For Respondent:

O R D E R
(Through Virtual Mode)

04.12.2020: The issue raised in this appeal is that the Appellant in its capacity as a member of the Suspended Board of Directors of the Corporate Debtor was entitled to have notice of the meetings of the Committee of Creditors and the impugned order dismissing the Appellant's application is unsustainable. Reliance is placed on judgment of Hon'ble Apex Court in "*Vijay Kumar Jain Vs. Standard Chartered Bank & Ors., Civil Appeal No. 8430 of 2018*", wherein it was held that the erstwhile Board of Directors has the right to attend the Committee of Creditors meetings and have copy of the Resolution Plan.

Issue notice upon Respondent. Appellant 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.

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List the matter 'for admission (after notice)' on **21st January, 2021.**

As an ad interim it is directed that the Adjudicating Authority may proceed with the consideration of the application filed by the Resolution Professional under Section 33 of the I&B Code but shall not pass any order of liquidation of the Corporate Debtor till next date of hearing. I. A. No. 2788 of 2020 stands disposed off.

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

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

am/gc