

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

**Company Appeal (AT) (Insolvency) No. 280 of 2020**

**IN THE MATTER OF:**

**Biswanath Paul**

**...Appellant**

**Versus**

**Santosh Devi Tibrewala @ Tibrewala & Anr.**

**...Respondents**

**Present:**

**For Appellant: Mr. Rajendra Beniwal, Mr. Kumar Sumit, Mr. Chirag Gupta, Mr. Manish Rao and Mr. Bano Deshwal, Advocates**

**For Respondent:**

**O R D E R**

**18.02.2020** The issue raised in this Appeal is that amount due and payable by the Corporate Debtor towards services rendered by the Operational Creditor does not fall within the ambit of Operational Debt.

Learned counsel for the Appellant relied upon the Judgment rendered by a Three Members Bench of this Appellate Tribunal in *Company Appeal (AT) (Insolvency) No. 331 of 2019*.

Let notice be issued upon Respondents by Speed Post. Requisites along with process fee be filed by 19<sup>th</sup> February, 2020. If the Appellant provides *email* addresses of the Respondents, let notice be also issued through *email*.

Post the Appeal 'For Admission (After Notice)' on **13<sup>th</sup> March, 2020**.

Until further orders, the 'Interim Resolution Professional'/ 'Resolution Professional' will not constitute the 'Committee of Creditors', if not yet constituted. However, 'Interim Resolution Professional'/ 'Resolution Professional' will ensure that the 'Corporate Debtor' remains a going concern and will take assistance of the (suspended) Board of Directors, paid Director and the

employees. The person who is authorised to sign the bank cheques may issue cheques only after authorization of the 'Interim Resolution Professional'. The bank accounts 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 paid Director, the employees'/workmen electricity bills etc.

[Justice Bansi Lal Bhat]  
Member (Judicial)

[V. P. Singh]  
Member (Technical)

[Shreasha Merla]  
Member (Technical)

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