

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Ins) No.1176 of 2019

IN THE MATTER OF:

Abba Consultants Pvt. Ltd.

...Appellant

Versus

Sandhya Prakash Ltd. & Ors.

...Respondents

For Appellant: Ms. Simran Soni, Advocate

**For Respondents: Shri Ramji Srinivasan, Sr. Advocate with
Ms. Anushree Kapadia and Ms. Poonam Mathur,
Advocates (R-3)
Shri Krishnendu Datta, Abhishek Anand and
Shri Kunal Godhwani, Advocates (R-1 and 2)**

With

Company Appeal (AT) (Ins) No.1203 of 2019

IN THE MATTER OF:

Sachin Meena & Ors.

...Appellants

Versus

Sandhya Prakash Ltd. & Ors.

...Respondents

For Appellant: Ms. Simran Soni, Advocate

**For Respondents: Shri Ramji Srinivasan, Sr. Advocate with
Ms. Anushree Kapadia and Ms. Poonam Mathur,
Advocates (R-3)
Shri Krishnendu Datta, Abhishek Anand and
Shri Kunal Godhwani, Advocates (R-1 and 2)**

With

Company Appeal (AT) (Ins) No.1219 of 2019

IN THE MATTER OF:

J.M. Financial Asset Reconstruction Company Ltd.

...Appellant

Versus

Anil Kumar Tandon & Ors.

...Respondents

For Appellant: **Shri Ramji Srinivasan, Sr. Advocate with
Ms. Anushree Kapadia and Ms. Poonam Mathur,
Advocates**

For Respondents: **Shri Shubham Gupta and Shri Akshay Srivastava,
Advocates (R-1, 2 & 3)
Shri Krishnendu Datta, (RP – R-4)
Shri Abhishek Anand and Shri Kunal Godhwani,
Advocates (R-4)**

With

Company Appeal (AT) (Ins) No.1327 of 2019

IN THE MATTER OF:

Anil Kumar Tandon & Ors.

...Appellants

Versus

Sandhya Prakash Ltd. & Ors.

...Respondents

For Appellants: **Shri Shubham Gupta, Advocate**

For Respondents: **Shri Ramji Srinivasan, Sr. Advocate
Ms. Anushree Kapadia and Ms. Poonam Mathur,
(Caveators)
Shri Krishnendu Datta, Shri Abhishek Anand and
Shri Kunal Godhwani, Advocates (R-1 & 2)**

ORDER
(Virtual Mode)

19.02.2021 (A) Advocate Ms. Simran Soni appears for the Appellants in Company Appeal (AT) (Ins) No.1176 of 2019 and Company Appeal (AT) (Ins) No.1203 of 2019. When called upon to argue the Appeals, the Counsel states that they were not aware of this matter coming up today and thus, the arguing Counsel is not available.

List of this matter was published before 15th February, 2021 and there is no reason for seeking adjournment.

In these two Appeals when they had come up on 11th November, 2019, an Interim Order was passed directing Liquidator not to sell or transfer or alienate or create third party encumbrance. More than a year has now passed and still when the matter has come up, adjournment is being sought which is unjustified. Learned Counsel for Liquidator is making various submissions as to the prejudice being caused to Corporate Debtor due to delay in Liquidation Proceedings. As the learned Counsel for the Appellant in Company Appeal (AT) (Ins) No.1176 of 2019 and Company Appeal (AT) (Ins) No.1203 of 2019, even when called upon to argue is not making submissions, we vacate the Interim Orders as were passed on 11th November, 2019.

(B) Along with above two Appeal, there are other two Appeals – Company Appeal (AT) (Ins) No.1219 of 2019 and Company Appeal (AT)(Ins) No.1327 of 2019. Those two Appeals have some connection between them with regard to the relief. Considering the different issues, we will take up Company Appeal (AT) (Ins) No.1219 of 2019 and Company Appeal (AT) (Ins) No.1327 of 2019 together and we are not keeping them tagged with Company Appeal (AT) (Ins) No.1176 of 2019 and Company Appeal (AT) (Ins) No.1203 of 2019.

(C) We have heard learned Senior Counsel for the Appellant in Company Appeal (AT) (Ins) No.1219 of 2019. The learned Counsel for Respondents states that the arguing Counsel is not available. The same Counsel has to argue Company Appeal (AT) (Ins) No.1327 of 2019 as Appellant.

(D) List Company Appeal (AT) (Ins) No.1176 of 2019 along with Company Appeal (AT) (Ins) No.1203 of 2019 on 8th March, 2021. These two Appeals are tagged together.

(E) Company Appeal (AT) (Ins) No.1219 of 2019 is tagged with Company Appeal (AT) (Ins) No.1327 of 2019. These Appeals be listed on 8th March, 2021 as part-heard.

[Justice A.I.S. Cheema]
Member (Judicial)

[Dr. Alok Srivastava]
Member (Technical)

rs/md