

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

**Interlocutory Application No.2289 of 2019
In
Company Appeal (AT) (Insolvency) No. 757 of 2019**

IN THE MATTER OF:

Relan Buildwell Private Limited Appellant

Vs

Kaliber Associates Private Limited & Ors. Respondents

Present:

For Appellant: Mr. Swapnil Gupta, Mr. R.K. Gupta and Ms. Ankita Sinha, Advocates.

For Respondents: Mr. Rakesh Kumar and Mr. Hetish Raj Singh, Advocates for Respondent Nos.3 to 5.

Mr. Somesh Dhawan and Ms. Geetika Sharma, Advocate for Respondent No.6.

ORDER

26.07.2019 Having heard learned Counsel for the Appellant and the Counsel appearing on behalf of Respondent Nos.3 to 5 and 6 and being satisfied with the grounds, the delay of 10 days in preferring the Appeal is condoned. Interlocutory Application No.2289 of 2019 stands disposed of.

The Counsel for the Appellant submits that Respondent Nos.3, 4 and 5 are the '*related party*' of the 'Corporate Debtor' and its Directors and, therefore, they cannot be made Member of the 'Committee of Creditors'. From the impugned order dated 12th June, 2019 in CA 740/2019, we find that the Appellant only argued that the aforesaid Respondents are not

‘Financial Creditors’ and no such plea appears to have been taken as no discussion has been made by the Adjudicating Authority. We are not inclined to accept such submission. If the Appellant wants to take such plea, it may move before the Adjudicating Authority with such plea. The Appeal stands disposed of with the aforesaid liberty.

[Justice S. J. Mukhopadhaya]
Chairperson

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

[KanthiNarahari]
Member (Technical)