

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

I.A. No 544 of 2020

In

Company Appeal (AT) (Ins.) No. 353 of 2019

IN THE MATTER OF:

Surinder Kumar Jain.

...Appellant

Versus

M/s Seriatim Land and Housing Pvt Ltd.

...Respondent

Present:

For Appellant: Mr. Piyush Singh and Mr. Prateek Vats, Advocates.

**For Respondent: Ms. Ranjana Roy Gawai, Mr. Pervinder Tanwar,
Advocates.**

O R D E R

(Virtual Mode)

31.08.2020 Heard Ms. Ranjana Roy Gawai, Advocate for the Applicant who has filed this I.A. No. 544 of 2020 and Mr. Piyush Singh, Advocate for the Original Appellant. The original Appellant may file Reply-Affidavit to this I.A. No. 544 of 2020.

It is stated that Hon'ble Supreme Court has also passed some orders regarding the Ordinance. It is stated that the Ordinance has now been converted into Act, and is under challenge before Hon'ble Supreme Court of India.

Parties may file copies of concerned orders.

This Appeal was filed against rejection of Application under Section 7 of **I & B Code** by the Financial Creditor relying on Explanation below Section 5(8) of **I & B Code**. The Appeal was heard and reserved for Judgment but before the Judgment could be passed, the Ordinance dated 28th December, 2019 was issued by the Government.

It would be appropriate that the Appeal and I.A. be heard together before giving decision in this matter.

We, thus, release the matter from being reserved for Judgment and direct that the Appeal may be listed for hearing.

It will not be treated as Part-Heard or Special Bench matter.

The Appellant may file Reply-Affidavit to I.A. No. 544 of 2020, within two weeks

The I.A. and the Appeal may be listed for Hearing in normal course.

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

[Kanthi Narahari]
Member (Technical)

[V.P. Singh]
Member (Technical)

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