

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 944 of 2019

IN THE MATTER OF:

Mr. Shankar Ganapathy

.... Appellant

Vs

Mr. K. R. Sundaresan & Ors.

.... Respondents

Present:

**For Appellant: Mr. A.S.Sathish Kumar, Advocate.
Mr. Ajay Kr. Jain, Mr. Krishnen Dutta, Mr.
Murari Kumar Mr. Achint Kumar, Advocate.**

**For Respondents: Mr. S.Santanam Swaminadhan, Advocate for
Respondent No.1.**

O R D E R

12.09.2019 Learned counsel for the appellant submits that the amount deposited by Respondent - Mr. K. R. Sundaresan was for issuance of equity shares. So far as, subsequent Agreement is concerned, it has not given effect as no Debenture was issued in favour of the Respondent. Therefore, according to him in absence of any Debenture Certificate issued till the date of filing of the application under Section 7 of the Insolvency and Bankruptcy Code, 2016, the Respondent Mr. K. R. Sundaresan cannot be treated to be a 'Financial Creditor'.

Mr. Santanam Swaminadhan, learned Counsel accepts notice on behalf of 1st Respondent. Learned Counsel for the Appellant will serve a copy of the paper-book to Mr. Swaminadhan in course of the day.

Let notice be issued on the rest of the Respondents by speed post. Requisites along with process fee be filed by 13th September, 2019. If the Appellant provides email addresses of the Respondents, let notice be issued through email.

Post the case 'for admission (after notice)' on **22nd of October, 2019**.

During the pendency of the case, the Interim Resolution Professional will ensure that the company remains 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 S. J. Mukhopadhaya]
Chairperson

[Kanthi Narahari]
Member (Technical)