

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL****NEW DELHI****COMPANY APPEAL (AT)(INSOLVENCY) NO.937 OF 2019****In the matter of:**

Ansal Properties &amp; Infrastructure Ltd

Appellant

Vs

MGF Developments Ltd

Respondent

Ms Purti Marwaha Gupta and Ms Henna George, Advocates for appellant.

Mr Darpan Wadhwa, Sr. Advocate, Mr. Abhijit Sinha, Mr. Akhil Sachar, Mr. Yudhister Singh, Advocates for Respondent.

**ORDER**

**19.09.2019** – Having glanced through the impugned order we find that the Learned Adjudicating Authority has observed in para 12 of the impugned order that no services were provided by the operational creditor to the alleged Debtor and this observation appears to have ultimately led to recording of the finding that the appellant herein cannot be considered as operational creditor. While going through the record, as Learned counsel for the appellant started her arguments, we noticed that the Memorandum of Agreement has been signed between Respondent herein and M/s Ansal Properties & Industries Ltd. Even the Concession Agreement dated 2<sup>nd</sup> September, 2004 is executed between the Delhi Metro Rail Transport Corporation Ltd of the one part and Respondent herein and M/s Ansal Properties & Industries Ltd of the Second Part. Appellant herein is M/s Ansal Properties and Infrastructure Ltd which happens to be the applicant in IB 1562(ND)/2018 filed under Section 9 of the I&B Code before the Adjudicating Authority, National Company Law Tribunal, New Delhi. Confronted with this factual position emerging from record,

learned counsel for the appellant wants to file some additional documents to buttress her argument that subsequent to the signing of this Memorandum of Agreement and Concession Agreement the nomenclature of M/s Ansal Properties and Industries Ltd has been changed to M/s Ansal Properties and Infrastructure Ltd. Let the same be filed together with an affidavit within three days with an advance copy to the learned counsel for the Respondent. List the appeal for admission (fresh case) on **24<sup>th</sup> September, 2019**.

**(Justice Bansi Lal Bhat)**  
**Member (Judicial)**

**(Mr. Balvinder Singh)**  
**Member (Technical)**

**Bm/nn**