

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 920 of 2019**

**IN THE MATTER OF:**

**Mansi Oils & Grains Pvt. Ltd.**

**...Appellant**

**Versus**

**United Bank of India & Anr.**

**...Respondents**

**Present:**

**For Appellant :**

**None**

**For Respondents :**

**Mr. Santosh K Rout and Ms. Neelam, Advocates for  
1<sup>st</sup> Respondent**

**Ms. Rachna Jhunhunwala and Mr. Karan Mehra,  
Advocates for 'Liquidator'**

**O R D E R**

**20.09.2019** Nobody appears on behalf of the Appellant. Counsel for the Respondents are present. On 11<sup>th</sup> September, 2019, it was noticed that the appeal is not maintainable at the instance of the 'Corporate Debtor' and the following order was passed :

*"In view of the fact that the appeal is not maintainable at the instance of the 'Mansi Oils & Grains Pvt. Ltd.' (Corporate Debtor) in view of the decision of Hon'ble Supreme Court in "Innoventive Industries Ltd. v. ICICI Bank (2018) 1 SCC 407" (Para 11). The learned counsel for the Appellant prays for to file an application for substitution by one of the Shareholder/Director as Appellant and transpose the 'Mansi Oils & Grains Pvt. Ltd.' (Corporate Debtor) through Liquidator as 2<sup>nd</sup> Respondent. It is also submitted that if the application for substitution is allowed, the Appellant may request to the Director/Shareholder to take part in*

*the matter of arrangement/scheme under Section 230 of the Companies Act, 2013.*

*Mr. Santosh Rao, Advocate appeared on behalf of the 'Financial Creditor' (United Bank of India) and Mr. Karan Mehra, Advocate appears on behalf of the 'Liquidator' along with Ms. Rachna Jhunjhunwala 'Liquidator'.*

*We accordingly allow the Appellant to file a petition for substitution within a week.*

*Post the case 'for orders' on **20<sup>th</sup> September, 2019.***

*The appeal may be disposed of on the next date.”*

In spite of such liberty was given no petition for substitution has been filed and nor anybody appears on behalf of the Appellant. In the circumstances, the appeal is not maintainable at the instance of the 'Corporate Debtor' through Director of suspended Board.

The appeal is dismissed. In absence of any order, the 'Liquidation' process will continue.

[Justice S.J. Mukhopadhaya]  
Chairperson

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

[ Kanthi Narahari ]  
Member (Technical)

/ns/sk