

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

**Company Appeal (AT) (Ins) No.94 of 2021**

**IN THE MATTER OF:**

**Minosha India Ltd.**

**...Appellant**

**Versus**

**Fourth Dimension Solutions Ltd. & Ors.**

**...Respondents**

**For Appellant:**                   **Shri Arun Kathpalia, Sr. Advocate with Shri Prateek Kumar, Ms. Raveena Rai and Shri Rohit Ghose, Advocates**

**For Respondents:**           **None**

**ORDER**  
**(Virtual Mode)**

**08.02.2021**       Heard Counsel for the Appellant. Perused I.A. No.210 of 2021 and the Impugned Order dated 25<sup>th</sup> September, 2020. Considering the Order of the Hon'ble Supreme Court in the matter of Suo Moto Writ Petition (Civil) No.3 of 2020 dated 23.03.2020, the present I.A. No.210 of 2021 is disposed of treating the Appeal as in limitation.

It is stated by the Counsel for the Appellant that the Operational Creditor has filed claim with the Resolution Professional and the same was rejected as filed late. The learned Counsel states that the Appellant filed Application before the Adjudicating Authority having number I.A. 2668 of 2020. The learned Counsel states that pleadings in that I.A. are complete. The Counsel states that the Adjudicating Authority (National Company Law Tribunal, New Delhi Bench - II) without deciding that Application, has approved the Resolution Plan and thus the Appellant does not know if or not

he would get anything under the Resolution Plan. It is stated that the challenge in the present Appeal is on this basis.

Issue Notice. Requisite along with process fee, if not filed, be filed by tomorrow. If the Appellant provides the e-mail address of the Respondents, let Notice be also issued through e-mail.

List the Appeal 'for admission (after Notice) hearing' on 4<sup>th</sup> March, 2021.

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

[V.P. Singh]  
Member (Technical)

*rs/md*