

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 825 of 2020

IN THE MATTER OF:

Gammon Infrastructure Projects Ltd.

...Appellant

Versus

AF Consult India Pvt. Ltd. & Anr.

...Respondents

Present:

For Appellants: Mr. Rudreshwar Singh, Mr. Nikhil Jain, Mr. Ashish Verma and Ms. Sakshee Sharma, Advocates.

**For Respondents: Ms. Sanjana Saddy, Advocate for R-1.
Ms. Mahima, Advocate with Mr. Diwan Chand Arya, IRP in person for R-2.**

O R D E R
(Through Virtual Mode)

28.09.2020: Apart from other issues raised in this appeal, it is contended by Shri Rudreshwar Singh, learned counsel representing the Appellant that impugned order admitting application of Respondent No. 1 (Operational Creditor) under Section 9 of the I&B Code is unsustainable in as much as the debt in respect whereof default was shown to have occurred on 14th January, 2015, was barred by limitation and the Corporate Debtor had raised dispute with regard to quality and execution of agreement.

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Issue notice upon Respondents. Notice on behalf of Respondent No. 1 is waived and accepted by Ms. Sanjana Saddy, Advocate. Notice on behalf of Respondent No. 2 is waived and accepted by Ms. Mahima, Advocate for IRP. No further notice needs to be issued as service upon Respondents is complete. Reply affidavit may be filed by the Respondents alongwith their vakalatnama within 20 days. Rejoinder, if any, may be filed within 10 days thereof.

Learned counsels for the parties may also file their short written submission not exceeding three pages alongwith their pleadings.

List the appeal 'for admission (after notice)' on **10th November, 2020**.

Meanwhile, the 'Interim Resolution Professional' will ensure that the company remains going concern and will take assistance of the (suspended) Board of Directors. The Appellant/ Corporate Debtor shall provide all assistance as required and cooperate with the Interim Resolution Professional and the persons who are working will perform their duties including the paid Directors. The person who is authorised to sign the bank cheques may sign cheques only after authorisation of the 'Interim Resolution Professional' with counter signature of the 'Interim Resolution Professional' at the back side of the cheques. In such case, the Bank shall release the payment. The Interim Resolution Professional will place this

order before the Banks, in which accounts of Corporate Debtor are maintained. The Bank Account(s) 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 employees'/workmen, electricity bills etc.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Justice Jarat Kumar Jain]
Member (Judicial)**

am/gc