

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Ins) No.174 of 2021

IN THE MATTER OF:

**The Asst. Commissioner of CGST &
Central Excise, Division – I, Surat**

...Appellant

Versus

Kuresh Hatim Khambati (RP)

...Respondent

For Appellant: Nitya Sharma (Standing Counsel Customs)

**For Respondent: Shri Arun Kathpalia, Sr. Advocate with Shri Prateek Kumar, Advocate (SRA)
Shri Krishnendu Datta, Ms. Sandya Iyer, Shri Suroy Datta and Shri Surekh Kant Baxy, Advocates (R-1)**

ORDER
(Virtual Mode)

09.03.2021 Heard Counsel for the Appellant. Considering the date of Impugned Order and the Application I.A. No.401 of 2021, and the Orders of the Hon'ble Supreme Court in the matter of suo moto Writ Petition (Civil) No.03/2020, we do not treat the Appeal as in delay. I.A. No.401 of 2021 is disposed.

The Appellant should make the Successful Resolution Applicant as party Respondent No.2 in this Appeal.

Issue Notice to Respondent No.1 and Respondent No.2 who is to be added. Requisite along with process fee, if not filed, be filed by tomorrow. If the Appellant provides e-mail address of Respondents, let notice be also issued through e-mail.

Advocate Shri Krishnendu Datta appears on behalf of Respondent No.1.
Advocate – Shri Prateek Kumar appears with Senior Counsel - Shri Arun

Kathpalia for Respondent No.2 - SRA (Successful Resolution Applicant) who is to be added - "MCPI Private Limited".

Respondents to file Reply within two weeks. Rejoinder, if any, may be filed within a week thereafter.

Parties may file brief written submissions not more than three pages and copies of Judgements they want to rely on, within three weeks.

List the Appeal 'for admission (after Notice) hearing' on 16th April, 2021.

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

[Dr. Alok Srivastava]
Member (Technical)

rs/md