

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 902 of 2019

IN THE MATTER OF:

M/s. Alpha Corp. Development Pvt. Ltd. ...Appellant

Versus

**M/s. Earth Infrastructure Ltd.
Through R.P., Shri Aakash Shinghal ...Respondent**

Present:

**For Appellant : Mr. Sandeep Bhuraria and Ms. Mahima Malhotra,
Advocates**

O R D E R

04.09.2019 Learned counsel for the Appellant submits that though 270 days have crossed and there being only one 'Resolution Applicant' (Appellant herein), the 'Committee of Creditors' requested for extension of time. He further submits that the third proviso to Section 12 of the 'Insolvency and Bankruptcy Code, 2016', as amended by the Gazette Notification dated 6th August, 2019 and having come into force on 16th August, 2019, the 'Committee of Creditors' or 'Resolution Professional' should be allowed 90 days' time to complete the resolution process.

Let notice be issued on the Respondent by Speed Post. Requisite along with process fee, if not filed, be filed by 5th September, 2019. If the appellant provides the *e-mail* address of Respondent, let notice be also issued through *e-mail*.

Post the case 'for orders' on **30th September, 2019**. The appeal may be disposed of on the next date.

During the pendency of the appeal, the Adjudicating Authority will not pass order of 'Liquidation' and it will be open to the 'Committee of Creditors' to consider the 'resolution plan', if any, pending for consideration. After negotiations and may approve or disapprove such plan/revised plan subject to the decision of the appeal.

[Justice S.J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

/ns/gc