

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

**Company Appeal (AT) (Insolvency) No. 249 of 2019**  
**&**  
**I.A. No. 1380 of 2019**

**IN THE MATTER OF:**

**Mr. Gurjeet Singh Johar** **...Appellant**

**Versus**

**ICICI Bank Ltd. & Anr.** **...Respondents**

**Present:**

**For Appellant :** **Mr. Arun Kathpalia, Senior Advocate with  
Mr. Swapnil Gupta and Ms. Shivambika Sinha,  
Advocates**

**For Respondents:** **Mr. Mohammed Rai, Advocate for Respondent No. 1**

**Mr. Ankur Mittal and Ms. Meera Murali,  
Advocates for SBI (Intervenor)**

**Mr. Shambo Nandy and Ms. Akanksha Kaushik,  
Advocates**

**WITH**

**Company Appeal (AT) (Insolvency) No. 455 of 2019**

**IN THE MATTER OF:**

**Mr. Gurjeet Singh Johar** **...Appellant**

**Versus**

**Mr. Naveen Kumar Gupta, IRP for  
C&C Construction Ltd. & Anr.** **...Respondents**

**Present:**

**For Appellant :** **Mr. Arun Kathpalia, Senior Advocate with  
Mr. Swapnil Gupta and Ms. Ankita Sinha, Advocates**

**For Respondents:** **Mr. Pulkit Deora, IRP  
Ms. Arunima Bhattacharjee and Mr. Abhinav  
Shrivastava, Advocates for R.P.**

**ORDER**

**13.08.2019** Learned counsel for the Appellant, in both the appeals, submits that the Appellant has taken up the matter with all the 'Financial Creditors' for appropriate order u/s 12A of the 'I&B Code' and prays for some time. On the request of the learned counsel for the Appellant, we adjourn the case with direction that the Appellant or the 'Committee of Creditors' cannot ignore the right of the 'Operational Creditors'. In case no amount is paid or the same treatment is not given to the 'Operational Creditors', this Appellate Tribunal may not allow the application u/s 12A, even if it is passed.

Post the case 'for orders' on **2<sup>nd</sup> September, 2019**.

In case of non-settlement, both the appeals may be disposed of on merits.

[Justice S.J. Mukhopadhaya]  
Chairperson

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

[ Kanthi Narahari ]  
Member (Technical)

/ns/gc

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