

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 951 of 2020

IN THE MATTER OF:

Crown Tobacco Company Pvt. Ltd.

...Appellant

Versus

Crale Foodlinks Pvt. Ltd. & Ors.

...Respondents

Present:

For Appellant: Mr. Darryl Periera, Mr. Mayank Kshirsagar, Mr. Parthasarathi Bose, Advocates.

**For Respondents: Mr. Royston J. Pereira, Advocate.
Mr. Kunal Cheema, Mr. Apoorv Shukla, Ms. Ishita Farsaiya, Ms. Prabhleen Kaur, Advocates.**

O R D E R
(Through Virtual Mode)

12.01.2021: I.A. No. 3026 of 2020 has been filed for impleadment of applicants Mrs. Leonys Pereira and Mr. Craig Pereira as Party Respondent No. 2 and 3. Shri Kunal Cheema, Advocate representing the Applicants submits that applicants were locked in a dispute with the other partner Mr. Vazirani and that they had raised objection in regard to maintainability of the petition under Section 9 of I&B Code, besides other issues, on the ground of there being a pre-existing dispute. With reference to record, it has been pointed out that the applicants participated in the proceedings before the Adjudicating Authority and they were permitted even to file reply. This factual position is also accepted by Mr. Darryl Periera, learned counsel for the Appellant. We are accordingly of the view that the applicants - Mrs. Leonys Pereira and Mr. Craig Pereira are necessary parties who are required to be impleaded and arrayed as party Respondents No. 2 and

Cont'd..../

3, respectively. We order accordingly. I.A. No. 3026 of 2020 is allowed. Appellant may amend the cause title of the appeal by incorporating the newly added Respondents No. 2 and 3 in the Memo of parties and at appropriate places in the body of the appeal.

Issue notice upon newly added Respondents Nos. 2 and 3. Mr. Kunal Cheema, Advocate waives and accepts notice on behalf of Respondents Nos. 2 and 3. He may file reply affidavit within two weeks. Rejoinder thereto, if any, may be filed by the Appellant within two weeks thereof. Short written submissions, not exceeding three pages, together with compilation of relevant judgments may also be filed alongwith the pleadings.

Learned counsel for Appellant and Respondent No. 1 shall be at liberty to file revised written submissions, copy whereof may be provided to learned counsel for newly added Respondent Nos. 2 and 3.

Let the appeal be set down 'for admission (after notice)' on **17th February, 2021.**

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

**[Justice Anant Bijay Singh]
Member (Judicial)**

**[Dr. Alok Srivastava]
Member (Technical)**

am/gc

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