

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Ins) No. 64 of 2020

IN THE MATTER OF:

Greatship (India) Ltd.

....Appellant

Vs.

Sudip Bhattacharya

....Respondent

Present:

For Appellant: Mr. Abhijeet Sinha, Mr. Akshit Anand, Mr. Divyank G.C., Mr. Kamesh Vedula and Mr. Saikat Sarkar, Advocates.

For Respondent:

O R D E R

21.01.2020: Heard both sides. The Appellant has projected the instant Appeal before this Tribunal as an 'Aggrieved Person' in respect of the order dated 09.01.2020 in Miscellaneous Application No. 75 of 2020 in Company Petition No. 54/I&B/2019 passed by the Adjudicating Authority (National Company Law Tribunal), Mumbai Bench III.

2. Earlier, the Adjudicating Authority (National Company Law Tribunal), Mumbai Bench III on 09.01.2020 had observed the following and directed to list the matter on 27th January, 2020:-

"The counsel for the applicant had raised objection to the bidding process that would commence tomorrow i.e. on 10.01.2020 on certain grounds he has elaborately argued pointing out non-adherence of some regulations and also raised certain factual issues in it, for which the counsel for the liquidator had clarified and had assured co-operation. However, we are of the opinion that at this stage of the matter, no interim order can be passed and hence we are adjourning this matter for further consideration."

3. It is to be pertinently pointed out that Section 61 of IBC speaks of filing of an appeal by any person aggrieved by the order of Adjudicating Authority before the National Company Law Appellate Tribunal (Appellate Authority) etc.

4. Considering the fact that the Adjudicating Authority (National Company Law Tribunal), Mumbai Bench III in the Impugned order *inter alia* had observed that it only adjourned the Miscellaneous Application No. 75 of 2020 for further consideration, this Tribunal at this stage, simpliciter deems it fit and proper in directing the Adjudicating Authority (National Company Law Tribunal), Mumbai Bench III to take up the Miscellaneous Application No. 75 of 2020 in Company Petition No. 54/I&B/2019 on 24th January, 2020 (in view of the urgency expressed) and to dispose of the same on merits, of course, in the manner known to Law and in accordance with Law after providing adequate opportunities to the respective sides. Before parting with the case this Tribunal makes it pellucidly clear that it has not transversed into merits of the matter, because of the fact that if any opinion is expressed in the subject matter in the issue it will affect the interest of concerned parties. Further, it is ordered that till 24.01.2020, it is desirable not to create any third party interest on the Assets of the Corporate Debtor.

5. With the aforesaid observations and directions the Appeal stands disposed of. No costs.

[Justice Venugopal M.]
Member (Judicial)

[V. P. Singh]
Member (Technical)