

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 154 of 2021

In the matter of:

Sanjay Gupta

....Appellant

Vs.

Amit Jain

....Respondents

Resolution Professional of Neesa Leisure Ltd. & Ors.

Present:

Appellant: Mr. Garvit Khandelwal, Mr. Ajit Kumar, Advocates.

**Respondents: Mr. Sumant Batra, Ms. Niharika Sharma, Advocate for
RP
Mr. Amit Jain, RP in person**

ORDER
(Through Virtual Mode)

04.03.2021: This 'Appeal' preferred against rejection of application u/s 60(2) and 60(5) of the 'I&B' Code in terms of the impugned order dated 31.12.2020 passed by the 'Adjudicating Authority' ('NCLT') Ahmedabad Bench for holding the same to be '*abuse of process of law*' emanates from one Shri Sanjay Gupta claiming to be the 'Promoter' and 'Suspended Board of Directors' raising grievance that the claims made by 'ARCIL' were inflated but the same came to be accepted by the IRP.

Mr. Sumant Batra appearing on behalf of the IRP submits that the Appellant was not a member of the Suspended Board of Directors at the time of initiation of CIRP on 23rd July, 2016 and in that capacity, he could not maintain the Appeal.

...contd.

Mr. Khandelwal representing the Appellant submits that the Appellant was also a guarantor and aggrieved by the impugned order, and he would amend the memo of Appeal to that effect. That apart, Mr. Sumant Batra, Advocate has also pointed out that ARCIL whose claim has been admitted has not been arrayed as 'Party Respondent'.

Learned Counsel for the Appellant may take necessary steps in arraying the 'ARCIL' as Party Respondent after amending memo of appeal within two weeks.

List the matter on **25th March, 2021 for 'Admission' (Fresh Case)**

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

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

S.S./GC