

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 434 of 2020

IN THE MATTER OF:

Anirudh Kumar

...Appellant

Versus

IBM India Pvt. Ltd.

...Respondent

Present:

For Appellant: Mr. Ketan Madan and Mr. Himanshu Harbola, Advocates.

For Respondent: Ms. Ashmi Mohan and Ms. Shwetabh Sinha, Advocates for R-1.

Ms. Purti Marwaha Gupta and Ms. Henna George, Advocates for R-2. (IRP). Mr. Yogender Pal Singhal, IRP in person.

ORDER
(Through Virtual Mode)

25.06.2020: Ms. Ashmi Mohan, Advocate appears on behalf of the Respondent – 'IBM India Pvt. Ltd.'. It appears that the Corporate Debtor – 'Global Infonet Distribution Private Limited' through the Interim Resolution Professional has not been arrayed as party respondent in the appeal. However, the Interim Resolution Professional, Shri Yogender Pal Singhal is appearing in person through virtual mode and is also represented by his counsel Ms. Purti Marwaha Gupta. Since the Corporate Debtor is a necessary party in whose absence the issues raised in the appeal cannot be determined, we direct the Appellant to implead and array 'Global Infonet Distribution Private Limited' through the Interim Resolution Professional Mr. Yogender Pal Singhal as Party Respondent No. 2. This be done within one week. In the event of Corporate Debtor being arrayed as 2nd Respondent,

notice be issued on it. Mr. Yogender Pal Singhal, IRP accepts notice on behalf of Respondent No. 2.

Learned counsel for the Appellant may provide complete set of paper book to learned counsel for the Respondents forthwith.

Respondents may file reply affidavits within two weeks followed by rejoinder filed by the Appellant within one week thereof.

As learned counsel for the IRP complains that the Appellant is not cooperating with the IRP in carrying forward the resolution process, the Appellant is directed to extend all cooperation.

List the appeal 'for Admission (After Notice)' on **23rd July, 2020**.

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

**[V. P. Singh]
Member (Technical)**

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

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