

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

**Company Appeal (AT) (Insolvency) No. 899 of 2020**

**IN THE MATTER OF:**

**Nakul Bharana**  
**(Erstwhile Director of Corporate Debtor)** **...Appellant**

**Versus**

**Anil Kohli, (Appointed IRP for the**  
**Corporate Debtor) & Ors.** **...Respondents**

**Present:**

**For Appellant :** **Mr. Salman Khurshid, Senior Advocate with**  
**Mr. Apoorv Agarwal and Mr. Rachit Ranjan,**  
**Advocates**

**For Respondents :** **Mr. Abhishek Anand, Advocate for R-1**  
**Mr. Ramji Srinivasan, Senior Advocate with**  
**Mr. Abhirup Dasgupta, Ms. Nitu Agarwal, Mr. Ishaan**  
**Duggal and Mr. Nalin Kumar, Advocates for R-2**  
**Ms. Prachi Johri, Advocate for 'CoC'**

**O R D E R**  
**(Through Virtual Mode)**

**19.10.2020** Mr. Salman Khurshid, learned Senior Advocate representing the Appellant submits that the impugned order admitting the application of 'Financial Creditor' has been passed ignoring the fact that the application was barred by limitation. It is submitted that this has been done to wriggle out liability of decision of the 'Committee of creditors' taken in the 'corporate insolvency resolution process' of the parent company.

Issue Notice upon Respondents.

Notice on behalf of Respondent No. 1 is waived and accepted by Mr. Abhishek Anand, Advocate. Mr. Ramji Srinivasan, Senior Advocate with Mr. Abhirup Dasgupta, Advocate waived and accepted notice on behalf of Respondent No. 2. Respondent No. 3 is a proforma Respondent. So far as the

proforma Respondent No. 3 is concerned, it appears to be the Resolution Professional of EIEL i.e. the parent company and not a necessary party to the instant proceedings. Being an unnecessary party, Respondent No. 3 is directed to be struck out. However, 'Committee of Creditors' being a necessary party is arrayed as party-Respondent No. 3. Appellant is directed to carry out necessary corrections in the cause-title and relevant pages of the appeal paper-book during the course of the day. Notice be served only on the newly impleaded Respondent i.e. Respondent No. 3.

At this stage, Ms. Prachi Johri, Advocate waived and accepted notice on behalf of Respondent No. 3.

Respondents may file their reply-affidavit within two weeks. Rejoinder, if any, may be filed within two weeks thereof. Learned counsels for the parties may also file their short written submissions, not exceeding three pages with relevant case laws, along with their pleadings.

List the appeal on **26<sup>th</sup> November, 2020**.

Till the next date of hearing, no further decision will be taken by the 'Committee of Creditors'.

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

**[Justice Jarat Kumar Jain]**  
**Member (Judicial)**

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

/ns/gc/