

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Ins.) No. 365 of 2020

IN THE MATTER OF:

Shekhar Roy Choudhury

....Appellant

Vs.

Jai Trading Company & Ors.

....Respondents

Present:

**For Appellant: Mr. Susheel K. Cyriac and Mr. Subhojit Saha,
Advocates**

For Respondents:

O R D E R

02.03.2020: Let the certified copy of the impugned order be filed within one week. I.A. No. 971/2020 stands disposed of.

Learned Counsel for the Appellant submits that there was a pre-existing dispute which had been raised prior to issuance of demand notice.

Let notice be issued on Respondent by Speed Post. Requisites along with process fee, if not filed, be filed by tomorrow. If the Appellant is able to ascertain the email address of Respondent, he may file the same and notice may be issued through email as well.

Meanwhile, 'Interim Resolution Professional' shall not constitute the 'Committee of Creditors' till the next date of hearing, if not already constituted, so as to enable the Appellant to settle the claim of Respondent. However, the 'Interim Resolution Professional' will ensure that the company remains going concern and will take assistance of the (suspended) Board of Directors. The persons who are working will perform their duties including

the paid Directors. The person who is authorised to sign the bank cheques may issue cheques only after authorisation of the 'Interim Resolution Professional'. The bank account(s) of the 'Corporate Debtor' be allowed to be operated for day-to-day functioning of the company such as for payment of current bills of the suppliers, salaries and wages of the employees'/workmen, electricity bills etc.

List this appeal 'For Admission (After Notice)' on **19th March, 2020**.

[Justice Bansi Lal Bhat]
Member (Judicial)

[Justice Venugopal M.]
Member (Judicial)

[Shreesha Merla]
Member (Technical)

sa/nn

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