

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

**Company Appeal (AT) (Insolvency)No. 910 of 2019**

**IN THE MATTER OF:**

**Fourth Dimension Solutions Ltd.**

**.....Appellant**

**Vs.**

**American Express Banking Corp.**

**.....Respondent**

**Present :**

**For Appellant:**

**Ms. Heena Ahluwalia, Ms. Manoranjani, Mr. Nitin  
Sharma, Advocates**

**O R D E R**

**04.09.2019** - Learned counsel for the Appellant submits that the shareholders / Directors of the 'Corporate Debtor' agreed to settle the matter with the 'American Express Banking Corporation' (Financial Creditor). However, as the appeal is at the instance of 'Fourth Dimension Solutions Ltd.' ('Corporate Debtor') through suspended Board of Directors it is not maintainable.

In view of the decision of Hon'ble Supreme Court in "*Innoventive Industries Ltd. Vs. ICICI Bank (2018) 1 SCC 407*" the Appellant sought permission and allowed to file a petition for substitution of a Director / Shareholder as the Appellant is to transpose 'Fourth Dimension Solutions Ltd.' through 'Interim Resolution Professional' as Respondent No. 2 within 10 days.

....contd.

She prays for and is allowed to file complete certified copy of the impugned order dated 25<sup>th</sup> July, 2019 within 10 days.

Post the case for 'orders' on **17<sup>th</sup> September, 2019** along with petition for substitution.

[Justice S. J. Mukhopadhaya]  
Chairperson

[Justice A. I. S. Cheema]  
Member (Judicial)

[Kanthi Narahari]  
Member (Technical)

ss/sk

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