

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

NEW DELHI

COMPANY APPEAL (AT)(INSOLVENCY) NO.1479 OF 2019

In the matter of:

Padmaiah Vuppu

Appellant

Vs

Fortuna Projects India Pvt Ltd
(Through its Liquidator) & Ors

Respondent

Mr. Amit Agrawal, Advocate for R2 and R3.
Mr. Sanyat Lodha, Advocate for R1.

ORDER

03.02.2020- None for the appellant. Even on earlier date i.e. 28.01.2020 nobody represented the appellant. However, learned counsel for Respondent No.2 and 3 is present. Learned counsel for the Respondent submits that the impugned order of NCLT dated 25th October, 2019 had already been challenged before the Hon'ble Supreme Court in SLP Diary No. 40273 of 2019. Hon'ble Supreme Court alongwith Civil Appeal No.8473 of 2019 and Writ Petition No.1444/2019 had dismissed the appeal vide order dated 2nd December, 2019 whereas the present appeal has been filed on 16th December, 2019. However, this material fact has been suppressed by the appellant that the SLP has been dismissed by the Hon'ble Supreme Court.

2. In such circumstances, the appeal is not maintainable before this Tribunal.

3. We have gone through the record and the order of Hon'ble Supreme Court placed before us.

4. From the record it appears that the material fact has been suppressed by the appellant.

5. However, at this stage without expressing any opinion we are of the opinion that the appeal is dismissed in default and non-prosecution of the appellant. No order as to cost.

(Justice Jarat Kumar Jain)
Member (Judicial)

(Mr. Balvinder Singh)
Member (Technical)

(Dr. Ashok Kumar Mishra)
Member(Technical)

Bm/kam