

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

**I.A. Nos. 1380 & 3049 of 2019**

**IN**

**Company Appeal (AT) (Insolvency) No. 249 of 2019**

**IN THE MATTER OF:**

**Mr. Gurjeet Singh Johar**

**...Appellant**

**Vs.**

**ICICI Bank Ltd. & Anr.**

**...Respondents**

**Present: For Appellant: - Mr. Samdarshi Sanjay, Advocate.  
Mr. Jayant Mehta, Mr. Swapnil Gupta, Ms. Ankita Sinha  
and Mr. Sajal Jain, Advocates.**

**For Respondents: - Ms. Navya Khillon, Advocate for RP.  
Mr. Ankur Mittal and Ms. Meera Murali, Advocates.  
Mr. Prashant S Kenjale, Advocate.**

**Company Appeal (AT) (Insolvency) No. 455 of 2019**

**IN THE MATTER OF:**

**Mr. Gurjeet Singh Johar**

**...Appellant**

**Vs.**

**Mr. Naveen Kumar Gupta  
Interim Resolution Professional for  
C&C Construction Ltd. & Anr.**

**...Respondents**

**Present: For Appellant: - Mr. Jayant Mehta, Mr. Swapnil Gupta,  
Ms. Ankita Sinha and Mr. Sajal Jain, Advocates.**

**For Respondents: - Ms. Navya Khillon, Advocate for RP.  
Mr. Ankur Mittal and Ms. Meera Murali, Advocates.**

Contd/-.....

**O R D E R**

**11.11.2019—** This case was to be listed for ‘Admission (after notice)’, but it has been wrongly listed ‘for orders’.

2. An Interlocutory Application No. 3049 of 2019 has been filed by the Employees of the ‘Corporate Debtor’. Another Interlocutory Application has been filed by the ‘Interim Resolution Professional’ for execution of certain periods.

3. On 25<sup>th</sup> October, 2019, when the matter was taken up, it was argued that the question relating to Section 12A of the Insolvency and Bankruptcy Code, 2016 is also being considered.

4. Today, when the matter was taken up, Mr. Jayant Mehta along with Mr. Swapnil Gupta, counsel appearing on behalf of the Appellant submits that he has been instructed to withdraw the appeal to enable the Appellant to move in terms of Section 12 A.

5. In the circumstance, we are not inclined to make any opinion with regard to the Interlocutory Applications filed by the Employees Association or the ‘Interim Resolution Professional’ but giving liberty to raise the issue before the Adjudicating Authority (National Company Law Tribunal).

6. Both the Appeals are disposed of as withdrawn with liberty to the Appellant to move in terms of Section 12A of the ‘I&B Code’ but without

any liberty to challenge the same very impugned order dated 14<sup>th</sup> February, 2019.

7. Liberty is also given to the Employees Association and the 'Interim Resolution Professional' to pray for similar relief as sought for in the Interlocutory Applications before the Adjudicating Authority, who may consider their applications, if such a prayer is made.

Both the Appeals are disposed of as withdrawn with the aforesaid observations. No costs.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Venugopal M)  
Member(Judicial)

(Justice Jarat Kumar Jain)  
Member(Judicial)

Ar/g