

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency)No. 909 of 2019

IN THE MATTER OF:

Sarita Vishal

.....Appellant

Vs.

M/s. Aarti Security Services

.....Respondent

Present :

For Appellant:

Mr. Shiv Kumar Suri, Mr. Shikhil Suri, Ms. Nikita Thapar, Advocates

O R D E R

04.09.2019 - Learned counsel for the Appellant submits that the project of the 'Corporate Debtor' – 'Tropicana Garden – Centurion Park' for which 'Operational Creditor' was asked to provide Security Guards and Gunman by letter dated 20th February, 2017 was in fact the project of 'Amrapali Developers (P) Ltd.' The 'Corporate Debtor' – 'Shahi Infrastructure (P) Ltd. was the co-developer and for the said reason, the initial letter of engagement of securities were made but since the project was take over pursuant to Hon'ble Supreme Court's directions passed in Writ Petition No. 940 of 2017 etc., the amount, if not payable, cannot be payable to the security guards / ('operational creditor') for the subsequent period and cannot be claimed from the 'Corporate Debtor'.

In so far as the claim of the earlier period before takeover of the project as per order by Hon'ble Supreme Court, the total amount has been paid to the 'Operational Creditor, has been claimed by the 'Corporate Debtor'.

....contd.

It is submitted that the impugned order was passed ex-parte without giving opportunity to the 'Corporate Debtor' to file reply and to bring the aforesaid fact to the notice of the Adjudicating Authority.

Let notice be issued on the Respondent by speed post. Requisite along with process fee, if not filed, be filed by 5th September, 2019. If the appellant provides the e-mail address of the respondent, let notice be also issued through e-mail.

Post the case for 'admission' (after notice) on **30th September, 2019**.

In the meantime, the Interim Resolution Professional (IRP) will ensure that the company remains going concern and the manufacturing and production of the company do not suffer; payment of wages to the employees/workmen and supplied during Resolution Process shall be made on time. The Insolvency Resolution Professional will take aid of (suspended) Board of Directors, paid Directors, officers and the employees of the Corporate Debtor. The Banks having account of the corporate debtor will also cooperate with the Resolution Professional to ensure compliance of this order.

[Justice S. J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

ss/sk