

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1033 of 2020

IN THE MATTER OF:

Praaun Kumar & Ors.

...Appellants

Versus

EMM VEE Infrastructures (India) Pvt. Ltd.

(Through its IRP Manish Agarwal)

...Respondent

Present: -

For Appellant: Mr. Piyush Singh, Mr. Aditya Parolia and Mr. Prateek Vats, Advocates.

For Respondent: Mr. Abhishek Anand, Advocate for IRP

ORDER
(Virtual Mode)

19.03.2021 Heard Learned Counsel for the Appellant.

2. During the course of argument, the Learned Counsel for the Appellant referred to Annexure- R/3 at page 35 of the Reply Affidavit filed on behalf of Resolution Professional. Perusal thereof, it appears that I.A. No. 297 of 2020 has been filed in CP No. (IB) 41/ALD/2019 before the NCLT, Allahabad Bench. This CP No. (IB) 41/ALD/2019 vide orders dated 13.10.2020 an Application under Section 7 of the Insolvency and Bankruptcy Code, 2016 was admitted and by which this instant Appeal has arisen.

3. Further it appears that one Ms. Babita Jain, Advocate appeared on behalf of the RP/Respondent before the NCLT, Allahabad Bench and posted the matter on 31.01.2021 for argument.

4. Learned Counsel for the Appellant is directed to inform this Appellate Tribunal about the status of the I.A. and will file Photocopy of the order sheet dated 31.01.2021 to till date, before the next date.

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5. Learned Counsel for the Respondent during the course of argument informs this Appellate Tribunal that the Respondent / RP has filed Section 19(2) of the IBC before the NCLT, Allahabad Bench.
6. On the other hand, Learned Counsel for the Respondent while referring to the order dated 04.12.2020 passed by this Tribunal submitted that interim order passed by this Appellate Tribunal be vacated.
7. We are of the view that the RP filed an Application under Section 19(2) of the IBC before the NCLT, Allahabad Bench is pending. As the Application under Section 19(2) of the IBC filed by the RP is pending before the NCLT, Allahabad no ground is made out to vacate the stay order.
8. Learned Counsel for the RP will inform on the next date about the status of the Application filed under Section 19(2) of the IBC and also file the Photocopy copy of the order sheet passed by the NCLT, Allahabad Bench.
9. Interim direction to continue till next date.
10. List the Appeal 'For Admission (After Notice)' on **16th April 2021**.

[Justice Anant Bijay Singh]
Member (Judicial)

[Ms. Shreasha Merla]
Member (Technical)

R. N./ Kam. /