

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

**Company Appeal (AT) (Insolvency) No. 44 of 2020**

**IN THE MATTER OF:**

**Rajive Kaul**

**...Appellant**

**Versus**

**Vinod Kumar Kothari & Ors.**

**...Respondents**

**Present:**

**For Appellant :**

**Mr. S. N. Mukherji, Senior Advocate with  
Mr. Arijit Mazumdar and Ms. Akanksha Kaushik,  
Advocates**

**For Respondents:**

**Mr. Sudipto Sarkar, Senior Advocate with  
Mr. Anirudh Wadhwa, Advocate for 1<sup>st</sup>  
Respondent**

**O R D E R**

**09.01.2020** Heard Mr. S. N. Mukherji, learned Senior Counsel with Mr. Arijit Mazumdar, Advocate appearing on behalf of the Appellant and Mr. Sudipto Sarkar, Senior Advocate with Mr. Anirudh Wadhwa, Advocate appearing on behalf of 1<sup>st</sup> Respondent. Learned counsel for the Appellant will serve a copy of the paper-book in the course of the day.

The Learned Counsel for the Appellant submits that the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench, Kolkata failed to notice that the Appellant – Mr. Rajive Kaul is a Director appointed by the 30<sup>th</sup> Annual General Meeting of the Members of ‘Nicco Parks & Resorts Limited’ dated 27<sup>th</sup> September, 2019, which is another Company and his tenure has not come to an end. He is functioning as an independent Director of the third Company, i.e., ‘Nicco Parks & Resorts Limited’ and was not the nominee Director of the Company in liquidation.

Issue notice to rest of the Respondents. Requisites along with process fee be filed by 10<sup>th</sup> January, 2020. If the Appellant provides email addresses of rest of the Respondents, let notice be issued through email.

Place the case 'for orders' on **20<sup>th</sup> January, 2020** within five cases along with '*Company Appeal (AT) (Insolvency) No. 1518 of 2019*'. The Appeal may be disposed of on the next date.

Until further order, the Appellant – Mr. Rajive Kaul will continue as Director of 'Nicco Parks & Resorts Limited' pursuant to the proceeding of the 'Nicco Parks & Resorts Limited' dated 27<sup>th</sup> September, 2019, uninfluenced by the impugned order dated 18<sup>th</sup> December, 2019 passed by the Adjudicating Authority.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Justice Bansilal Bhat ]  
Member (Judicial)

/ns/gc/