

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT)No. 216 of 2019

IN THE MATTER OF:

Ateet Bansal

.....Appellant

Vs.

Unitech Ltd.

.....Respondent

Present :

**For Appellant: Mr. Rajesh Rai with Mr. Manmeet Singh Marwah,
Advocates**

O R D E R

19.08.2019 - Heard learned counsel for the Appellant and being satisfied with the ground, delay of 25 days in preferring the appeal is hereby condoned. I.A. No. 2510 of 2019 stands disposed of.

The Appellant has filed this appeal against the order dated 30th May, 2019 passed by the Adjudicating Authority ('National Company Law Tribunal'), New Delhi Bench which reads as follows: -

"ORDER

Despite acceptance of notice on 25.04.2019 by Mr. Vivek Mishra, ld. Counsel for the Judgement Debtor no reply is sought to be filed. In view of the same, the petitioner is entitled

...contd.

to a decree under the matured FDR No. 1220500 for Rs. 1,45,217/-. This amount is decreed in favour of the petitioner together with pendent lite and future interest @ 10% from the date of filing till receipt thereof.”

From the record, it is observed that the order was passed u/s 73(4) of the Companies Act, 2013. In view of the aforesaid position, the matured FDR being for Rs. 1,45,217/- directed to be paid with pendent lite and future interest @ 10% from the date of filing till the date of receipt, cannot be faulted with.

Learned counsel for the Appellant submits that higher amount should have been ordered to be paid @ 12.5% as per contract but we are not inclined on such count as it was for the ‘National Company Law Tribunal’ to decide the same. However, we are inclined to hear the matter on limited issue as to on which date the Appellant is entitled for interest whether from 1st June, 2016 or not.

Let notice be issued on the Respondents by speed post. Requisite along with process be filed by 20th August, 2019. If the appellant provides the e-mail address of the respondent, let notice be also issued through e-mail.

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In the meantime, Appellant will file certified copy of the Impugned Order within ten days.

Post the case for 'admission' on **20th September, 2019** before the appropriate Bench.

[Justice S. J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

ss/gc

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