

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 817 of 2020

IN THE MATTER OF:

Edelweiss Asset Reconstruction Company Ltd.

...Appellant

Versus

Winsome Yarns Ltd.

...Respondents

Present:

For Appellant:

Mr. Arun Kathpalia, Sr. Advocate with Mr. Vikram Bajaj, Mr. Nishant Menon and Mr. Prem Prakash, Advocates.

For Respondents:

ORDER
(Through Virtual Mode)

24.09.2020: It is submitted by Mr. Arun Kathpalia, Sr. Advocate that the assignment held to be unenforceable has resulted in rejection of application of the Applicant Assignee under Section 7 of the I&B Code, though the Appellant has been recognized as Financial Creditor even otherwise. It is further submitted that Assignment Deed is a registered deed, therefore, the only course open for the Adjudicating Authority, in case of insufficient stamp duty, was to send it back to the Commissioner for determination.

Issue notice upon Respondents. Appellant to provide mobile Nos./e-mail address of the Respondents. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within three days.

Cont'd...../

List the appeal 'for admission (after notice)' on **5th November, 2020.**

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Justice Anant Bijay Singh
Member (Judicial)**

**[V. P. Singh]
Member (Technical)**

am/gc