

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 906 of 2019

In the matter of:

Rakesh Wadhawan

....Appellant

Vs.

Bank of India & Anr.

....Respondents

Present:

Appellant: Dr. U.K. Chaudhary, Senior Advocate with Mr.Farhan, Advocate.

**Respondents: Mr. Rohan Agarwal, Advocate for R-1.
Ms. Meghna Rao, Advocate for R-2
Ms. Pallavi Pratap, Advocate for PMC Bank Intervenor.
Ms. Saurav, Advocate for Intervenor**

ORDER

(Through Virtual Mode)

02.06.2020: After hearing Dr. U.K. Chaudhary, learned Senior Counsel for the Appellant as also Mr. Rohan Agarwal, Advocate representing Respondent No.1 and Ms. Meghna Rao, Advocate representing Respondent No.2- 'Resolution Professional', we are of the opinion that since allegations of bias have been levelled against the 'Resolution Professional' by imputing to him that one of his partners is associated with the largest Creditor of the 'Corporate Debtor' and also having regard to the developments that have taken place in the instant appeal proceedings as discernible from the Minutes of Meeting recorded on various dates of meeting, we direct the Respondent No.2 i.e. 'Resolution Professional' to file reply-affidavit qua the allegations of bias as perceived by the Appellant. We also deem it appropriate to hear the appeal on merit so as to ensure that the time bound process of Resolution is not defeated.

Contd/-.....

Let Respondent No.2- 'Resolution Professional' file its objections/ reply-affidavit within one week.

Let this appeal along with I.A. No. 3031 of 2019 be listed for hearing on 15th June, 2020. It is made clear that no request for adjournment on any ground whatsoever shall be entertained and the matter will be heard through Virtual Mode on 15th June, 2020.

Meanwhile, parties may complete pleadings in the appeal.

Till next date of hearing, the 'Committee of Creditors' will not convene any further meeting and the 'Resolution Process' will remain on hold.

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

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

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

AR/gc