

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 777 of 2020

IN THE MATTER OF:

**Greatch Telecom Technologies Pvt. Ltd.,
Through Ex-Director Mukul Agarwal**

...Appellant

Versus

Royale Resinex Pvt. Ltd.

...Respondent

Present: For Appellant : **Mr. Arun Srivastava, Advocate**
For Respondent: **Mr. Bharat Arora, Advocate for R-1**
Mr. Manish Kr. Agarwal, Advocate for IRP
Mr. R. K. Gupta, IRP

O R D E R

(Through Virtual Mode)

11.09.2020 This appeal under Section 61 of the I&B Code has been preferred by the 'Corporate Debtor' against order of admission of application preferred by Respondent (Operational Creditor) under Section 9 of the 'I&B Code'. In view the dictum of the Hon'ble Apex Court in "***Innoventive Industries Ltd. Vs. ICICI Bank and Ors.*** – (2018) 1 SCC 407] (Para 11)" appeal at the instance of the 'Corporate Debtor' is not maintainable. We accordingly allow the learned counsel for the Appellant to get the present Appellant (Corporate Debtor) substituted by a member of the suspended Board of Director/Shareholder to maintain this appeal and transpose the present Appellant (Corporate Debtor) as party-respondent No. 2 through IRP. The application for substitution may be filed within one week.

List the appeal 'for Admission (Fresh Case)' on **30th September, 2020.**

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

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

**[Shreesha Merla]
Member (Technical)**

/ns/nn/