

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Ins.) No. 575 of 2019

IN THE MATTER OF:

The Directorate of Enforcement

...Appellant

Versus

Manoj K. Agarwal & Ors.

...Respondents

Present:

**For Appellant: Mr. Zoheb Hossain, Mr. Nitesh Rana,
Mr. Ali Khan, Mr. Agni Sen and
Mr. Aslam, Adovcates.**

**For Respondent: Mr. Shambo Nandy, Advocate for R-2.
Mr. Rajendra Beniwal, Mr. Kumar Sumit and
Mr. Chirag Gupta, Advocates for R-3.**

WITH

Company Appeal (AT) (Ins.) No. 576 of 2019

IN THE MATTER OF:

The Directorate of Enforcement

...Appellant

Versus

Sh. Vishal Ghisulal Jain & Ors.

...Respondents

Present:

**For Appellant: Mr. Zoheb Hossain, Mr. Nitesh Rana,
Mr. Ali Khan, Mr. Agni Sen and
Mr. Aslam, Adovcates.**

**For Respondent: Mr. Udit Singh, Mr. Siddharth Chechani,
Advocates for R-1.
Mr. Shambo Nandy, Advocate for R-2.
Mr. Rajendra Beniwal, Mr. Kumar Sumit and
Mr. Chirag Gupta, Advocates for R-3.**

ORDER
(Virtual Mode)

25.11.2020 In Company Appeal (AT) (Ins.) No. 575 of 2019 Learned Counsel for Respondent No. 1 Manoj K. Agarwal/RP states that Respondent NO. 3/Sterling SEZ & Infrastructure Ltd. the Corporate Debtor is wrongly shown in the Appeal Memo as in Liquidation. He states that actually CIRP is pending and Section 12 A of IBC matter is pending before the Adjudicating Authority and it is reserved for Orders. The Appellant may correct the Cause Title relating to Respondent No. 3 and not to show the Corporate Debtor as in Liquidation.

2. The Learned Counsel for Respondent No 2 submits that he has yet not received copy of the Appeal Paper Book. Learned Counsel for the Appellant states that he will serve copy of the Appeal Paper Book during the course of the day by e-mail. Learned Counsel for Respondent Nos. 1 and 3 states that for Respondent Nos 1 and 3 Reply is already filed by Diary No. 13525.

In Company Appeal (AT) (Ins.) No. 576 of 2019, the Learned Counsel for Appellant needs to correct the Memo of Parties relating to Respondent No. 3 the Corporate Debtor. In this Appeal also the Learned Counsel for Respondent No. 1 and 3 states that the Respondent No. 3 is not in Liquidation and request under Section 12 A of IBC is pending before the Adjudicating Authority and Orders have been reserved. Learned Counsel for the Appellant to correct the description of Respondent No. 3 in this Appeal also.

3. Learned Counsel for Respondent No. 1 and 3 states that for both these Respondents Reply vide Diary No. 19976 has been filed. Learned Counsel for Respondent No 2 needs to file Reply.

4. The parties who have not filed, may file Reply in both these Appeals. The parties who have not filed Reply in these Appeals, should file Reply within two weeks.
5. The Appellants in both these Appeals to file Rejoinder within one week thereafter.
6. In Company Appeal (AT) (Ins.) No. 575 of 2019 when the same had come up on 28th May, 2019, the Impugned Order in that Appeal dated 12th February, 2019 was stayed until further Orders. It appears that thereafter the Company Appeal (AT) (Ins.) No. 576 of 2019 was tagged but similar Order remained to be passed in Company Appeal (AT) (Ins.) No. 576 of 2019.
7. Considering the similar issue involved and important question of law involved, in Company Appeal (AT) (Ins.) No. 576 of 2019, also we stay the Impugned Order in the Appeal until further Orders.
8. Parties may file brief Written-Submissions not more than three pages in both these Appeals within four weeks. Copies of Judgments on which, parties want to refer and rely on, may also be filed separately.
9. List these Appeals 'For Admission (After Notice), Hearing on **11th January, 2021.**

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

[Dr. Ashok Kumar Mishra]
Member (Technical)

Basant B./nn/

Company Appeal (AT) (Ins.) No. 575 & 576 of 2019