

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 765 of 2019**

**IN THE MATTER OF:**

Hemang Phophalia .... Appellant  
Vs  
The Greater Bombay  
Co-operative Bank Ltd. & Anr. .... Respondents

**Present:**

**For Appellant: Mr. Arun Kathpalia, Senior Advocate with  
Mr. P.V. Dinesh, Sindhu T.P., Mr. R.S.  
Lakshman, Mr. Ashwini Kumar Singh,  
Advocates.**

**For Respondent: Mr. Shridhar Y. Chitale, Advocate.**

**Mr. Sumit Shukla, Advocate for Respondent  
No.2.**

**O R D E R**

**22.08.2019** Prima-facie, we are of the view that application under Section 7 is maintainable even in respect of Company, whose name has been struck-off. Company assets have been attached or sold is a question of facts, which can be looked into by the 'Resolution Professional'. In any case, records will be available as generally records are not sold. If records are not available, corresponding records will be available with the Office of the Registrar of the Companies. Therefore, we intend to hear on this question.

Post the case 'for orders' on **26<sup>th</sup> August, 2019**.

[Justice S. J. Mukhopadhaya]  
Chairperson

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

[Kanthi Narahari]  
Member (Technical)