

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

**Company Appeal (AT) (Insolvency) No. 505 of 2020**

**In the matter of:**

**Tata Capital Financial Services Ltd.**

**....Appellant**

**Vs.**

**M C Nally Bharat Engineering Company Ltd.**

**....Respondent**

**Present:**

**Appellant: Mr. Ramji Srinivasan, Sr. Advocate alongwith  
Mr. Kartik and Mr. Vikram Trivedi, Advocates.**

**Respondent:**

**O R D E R**

**(Through Virtual Mode)**

**03.06.2020:** Shri Ramji Srinivasan, learned senior counsel representing the Appellant submits that the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench, Kolkata has erroneously held the borrowing in question not to be a 'Financial Debt' though the borrowing in the instant case has been a long term borrowing having the effect of a commercial transaction bringing it within the purview of 'Financial Debt'

Let notice be issued on respondent. Appellant to provide email address of the Respondent. Notice be issued through email or any other available mode. Requisites along with process fee be filed within three days.

Contd..../

List the appeal for admission (after notice) on **13<sup>th</sup> July, 2020**.

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

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

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

*am/gc*