

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

**Company Appeal (AT) (Insolvency) No. 647 of 2020**

**IN THE MATTER OF:**

**M/s. Skylark Mansions Pvt. Ltd.**

**...Appellant**

**Vs.**

**M/s. Skylark Ithaca Buyers Welfare Association**

**...Respondent**

**Present: For Appellant: - Mr. Arun Kathpalia and Mr. Shashikiran Shetty, Senior Advocates with Mr. Mahesh Thakur and Mr. Aditya Shukla, Advocates.**

**For Respondent: - Mr. J. Hudson Samuel, Advocate for Caveator.**

**Mr. Rajnish Sinha, Advocate for IRP.**

**Mr. Vipul Ganda, Mr. Aman, Advocates.**

**Ms. Neeha Nagpal, Mr. Abhijeet Sinha, Mr. Malak Bhat and Mr. Abhishek Anand, Advocates for Intervener.**

**O R D E R**  
**(Through Virtual Mode)**

**04.08.2020—** Vide Dairy No. 34675 dated 31<sup>st</sup> July, 2020 I.A. No. 1808 of 2020 has been filed for substitution of Appellant but the name of the person seeking substitution is conspicuously absent in the application. I.A. No. 1808 of 2020 is accordingly rejected.

Shri Arun Kathpalia, learned Senior Counsel representing the Appellant submits that the application appears to have wrongly been filed. He submits that a properly constituted application is being filed during the course of the day.

Contd/-.....

The issue raised in this appeal is that the Appellant Company had nothing to do with the claim raised by the Respondent Association and no fair and reasonable opportunity was provided to the Appellant Company to file its objections. It is submitted that the impugned order of admission of the application under Section 7 of the Insolvency and Bankruptcy Code, 2016 with consequential orders being arbitrary, is unsustainable.

List the appeal for admission (after notice) on 10<sup>th</sup> August, 2020 provided the Appellant carries out the substitution and transposition as ordered earlier.

[Justice Bansi Lal Bhat]  
Acting Chairperson

[V.P. Singh]  
Member(Technical)

[Alok Srivastava]  
Member(Technical)

Ar/G