

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 426 of 2020

In the matter of:

NCC Ltd.

....Appellant

Vs.

Golden Jubilee Hotels Pvt. Ltd. & Ors.

....Respondents

Present:

Appellant: Ms. Priya Kumar, Mr. Adhish Srivastava and Mr. Tejas Chhabra, Advocates.

Respondents: Mr. Gyanendra Kumar and Ms. Kamalika Bhattacharjee, Advocates for R-5.

With

Company Appeal (AT) (Insolvency) No. 430 of 2020

In the matter of:

Consolidated Engineering Company

....Appellant

Vs.

Subodh Kumar Agarwal & Ors.

....Respondents

Present:

Appellant: Mr. Krishnendu Datta, Mr. Anurag Singh and Ms. Mehak Khurana, Advocates.

Respondents: Mr. Gyanendra Kumar and Ms. Kamalika Bhattacharjee, Advocates for R-3.

ORDER

16.03.2020: The common issue raised in both afore-captioned appeals is whether different sets of Creditors falling within the class of 'Operational Creditors' can be accorded different treatment.

Issue notice. Mr. Gyanendra Kumar, Advocate accepts notice on behalf of Respondent No. 5 in Company Appeal (AT) (Insolvency) No. 426 of 2020 and on behalf of Respondent No. 3 in Company Appeal (AT) (Insolvency) No. 430 of 2020. No notice needs to be issued on him. Learned counsel for the Appellant(s) will served copy of paper book on him. He may file reply in respective appeals alongwith vakalatnama within 10 days. Rejoinder, if any, may be filed by the Appellant(s) within one week thereof.

Let notice be issued on rest of the Respondents in both the appeals by Speed Post. Requisites alongwith process fee, if not already filed, be filed by tomorrow. If the Appellant(s) provides email address of rest of the Respondents, let notice be also issued through email.

Post these appeals 'for admission (after notice)' on **24th April, 2020**.

Implementation of the approved Resolution Plan in so far as the same deals with the distribution mechanism limited to Operational Creditors shall be subject to outcome of these appeals.

[Justice Bansi Lal Bhat]
Acting Chairperson

[Justice Anant Bijay Singh]
Member (Judicial)

[Shreesha Merla]
Member (Technical)

am/gc

Company Appeal (AT) (Insolvency) No. 426 of 2020 & 430 of 2020