

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 242 of 2020
&
Company Appeal (AT) (Insolvency) No. 243 of 2020

IN THE MATTER OF:

LC Core Opportunities Fund

...Appellant

Versus

Cerestra Advisors Pvt. Ltd. & Anr.

...Respondents

Present:

For Appellant : **Mr. Abhijeet Sinha, Mr. Vaibhav Mishra, Mr. D. Narendar Naik and Mr. Saikat Sarkar, Advocates**

For Respondents : **Mr. Anirudh Wadhwa, Mr. Vipul Kumar and Mr. Kartikeya Asthana, Advocates**

O R D E R

07.02.2020 Learned counsel for the Appellant(s), in both the Appeals, submits that the Respondent – ‘Cerestra Advisors Pvt. Ltd.’ does not come within the meaning of ‘Operational Creditors’ in absence of any ‘operation debt’ by the ‘Corporate Debtor(s)’. Referring to an Agreement, in both the Appeals, the plea taken is that the services rendered to a third party is a foreign entity with whom there has been an ‘existence of dispute’ and now the Application under Section 9 of the ‘I&B Code’ has been initiated against Indian entities.

Mr. Anirudh Wadhwa, Advocate appears on behalf of the Respondent in both the Appeals. Learned counsel for the Respondent submits that it is a ‘Group of Companies’.

Learned counsel for the Appellant(s) will serve a copy of the paper-book of both the Appeals on the learned counsel for the Respondent. He may file reply-affidavit of both the Appeals along with Vakalatnama within 2 weeks. Rejoinder, if any, may be filed by the Appellants within 2 weeks thereof.

Learned counsel for the Appellant further submits that the 'Committee of Creditors' have not been constituted and if allowed the Appellants can take up the matter with both the 'Operational Creditors' in respect of both the appeals and may reach for an amicable settlement.

Post both the Appeals 'for orders' on **26th February, 2020** before appropriate Bench. The Appeals may be disposed of at any stage.

During the pendency of the appeals, it will be open to the parties to reach for an amicable settlement. For the said reason, we stay the constitution of the 'Committee of Creditors' till next date. However, respective 'Interim Resolution Professional' will ensure that the 'Corporate Debtors' remain going concerns and will take the assistance of the (suspended) Board of Directors. The persons who are working will perform their duties including the paid Directors. The person who is authorised to sign the Bank Cheques may issue cheques only after authorisation of the 'Interim Resolution Professional' with counter signature of the 'Interim Resolution Professional' at the back side of the cheques. In such case, the Bank shall release the payment. The 'Interim Resolution Professional', in both the appeals, will place this order before the Banks, in which accounts of the 'Corporate Debtor' are maintained. The Bank Account(s) of the 'Corporate Debtors' be allowed to be operated for day-to-day functioning of the company

such as for payment of Current Bills of the Suppliers, Salaries and Wages of the employees'/workmen, electricity bills etc.

[Justice S.J. Mukhopadhaya]
Chairperson

[Shreesha Merla]
Member (Technical)

/ns/RR/