

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 52 of 2020

IN THE MATTER OF:

SRK Constructions & Projects Pvt. Ltd.

...Appellant

Vs

Thyssenkrupp Industries India Pvt. Ltd.

....Respondent

Present:

For Appellant: Mr. Ritesh Patil, Advocate.

For Respondent:

ORDER

13.01.2020: Mr. Ritesh Patil, Learned counsel for the Appellant submits that there was existence of dispute as detailed at page A and B, which has not been properly adjudicated by the Adjudicating Authority while admitting the application under Section 9 and passing impugned order dated 16th December, 2019. However, as the appeal is not maintainable at the instance of the Corporate Debtor – ‘M/s SRK Constructions & Projects Pvt. Ltd.’ through Promoter in view of the decision of Hon’ble Supreme Court in ‘**Innoventive Industries Ltd.’ Vs. ‘ICICI Bank & Ors.’ in Civil Appeal Nos. 8337-8338 of 2017** disposed on 31st August, 2017, learned counsel for the Appellant is allowed to file a Petition for Substitution by 20th January, 2020 substituting one of the Director/Shareholder as Appellant and transposing ‘M/s SRK Constructions & Projects Pvt. Ltd.’ through Interim Resolution Professional with his address as 2nd Respondent.

Place the case 'for admission (fresh case)' alongwith Petition for Substitution on **22nd January, 2020.**

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

[Justice Venugopal M.]
Member (Judicial)

am/sk