

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 477 of 2020

IN THE MATTER OF:

Rahul Kumawat

...Appellant

Vs.

Bank of India & Anr.

...Respondents

Present:

**For Appellant: - Mr. Krishnendu Datta and Mr. Sanyat Lodha,
Advocates.**

For Respondents: -

O R D E R

04.05.2020— The Appellant is directed to file the certified copy of the impugned order within four weeks. Interlocutory Application No. 1233/2020 is disposed of.

The learned Counsel for the Appellant submits that the 'Corporate Debtor' is an Micro, Small and Medium Enterprises (MSME) and since the OTS Proposal was under consideration and the account of the 'Corporate Debtor' earlier declared as NPA on 30th September, 2017 had been operationalised, the impugned order cannot be sustained. That apart, it is submitted that the 'Corporate Debtor' wants to settle the claim, which is, actually and factually pending consideration before the Respondent-'Financial Creditor'.

Issue notice upon Respondents through speed post. Requisites along with process fee be filed within three days from today. If the Appellant provides e-mail addresses of the Respondents, service may also be effected in that mode also.

List the Appeal 'for admission after notice' on **28th May, 2020**.

Meanwhile, 'Committee of Creditors' if not constituted, shall not be constituted till next date of hearing.

[Justice Bansi Lal Bhat]
Acting Chairperson

[Justice Anant Bijay Singh]
Member(Judicial)

Ash/GC