

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 279 of 2020

IN THE MATTER OF:

Sartaj Ali

...Appellant

Vs.

Madhu Khandelwal & Anr.

...Respondents

**Present: For Appellant: - Mr. Sanwar Raza, Ms. Ishita Sharma
and Mr. Arnab Chakraborty, Advocates.
Mr. Duggal, IRP**

For Respondents: - Ms. Sreenita Ghosh, Advocate.

O R D E R

14.02.2020— Learned counsel for the Appellant submitted that the application under Section 9 was not maintainable, but the parties have orally reached settlement.

2. It is submitted that the 'Committee of Creditors' has not been constituted and the Appellant is ready with the draft of Rs.25,00,000/-. If time is allowed, they may also sign 'Terms of Settlement'.

3. Ms. Sreenita Ghosh, Advocate appears on behalf of the 1st Respondent ('Operational Creditor'). She submits that the Appellant is agreed to reach settlement.

4. In the circumstances, we allow counsel for the Respondent to file Vakalatnama by 17th February, 2020.

5. Mr. R.K. Duggal, Interim Resolution Professional is present and accepts that the 'Committee of Creditors' has not been constituted.

Contd/-.....

However, publication has been made. He further submits that he has already incurred Rs.20,000/- towards CIRP costs and he is also entitled for fees. An amount of Rs.1,00,000/- shall be paid to the 'Interim Resolution Professional' towards CIRP costs and fees, which is agreed to by 'Interim Resolution Professional' Mr. R.K. Duggal and the Appellant.

Post the appeal 'for orders' on 17th February, 2020 before the 1st Bench.

In the meantime, the 'Interim Resolution Professional' will not constitute the 'Committee of Creditors', if not yet constituted, to enable the parties to reach settlement. However, the 'Interim Resolution Professional' will ensure that the company remains a going concern and will take assistance of the (suspended) Board of Directors and the officers/ Directors/employees. The person who is authorised to sign the bank cheques may issue cheques but only after approval of the 'Interim Resolution Professional'. The Bank Account of the 'Corporate Debtor' 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

(Alok Srivastava)
Member(Technical)

Ar/rr