

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) Nos. 669 & 689 of 2019

IN THE MATTER OF:

Rajesh Kumar Agarwal & Ors.

...Appellants

Versus

M/s. Srivani Merchants Pvt. Ltd. & Anr.

...Respondents

Present:

For Appellant :

**Mr. Indranil Ghosh and Ms. Sampurnaa Sanyal,
Advocates**

O R D E R

08.07.2019 Having heard learned counsel for the appellant and being satisfied with the grounds, the delay of 5 days in preferring the appeal is condoned.

I.A. Nos. 2055 & 2114 of 2019 stands disposed of.

Learned counsel for the Appellant submits that property in question belongs to third party i.e. the Appellant, which cannot be taken into consideration by the 'Liquidator' for the purpose of passing order of 'liquidation'.

Let notice be issued on the respondents by Speed Post. Requisite along with process fee, if not filed, be filed by 9th July, 2019. If the appellant provides the *e-mail* address of respondents, let notice be also issued through *e-mail*.

Post the case 'for Admission (After Notice)' on **8th August, 2019**.

In the meantime, the Liquidator will not sell or alienate or create third party interest of any moveable or immovable property of the 'Corporate Debtor' without prior approval of this Appellate Tribunal. The Liquidator will also ensure

that the company remains going concern and will follow the directions given by this Appellate Tribunal in “**Y. Shivram Prasad Vs. S. Dhanapal & Ors.- Company Appeal (AT) (Insolvency) No. 224 of 2018 etc.**” disposed of on 27th February, 2019.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

/ns/gc

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