

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Comp. App (AT) (Insolvency) Nos. 888 & 889 of 2020

IN THE MATTER OF:

D.K. Mohanty

...Appellant

Versus

M/s. Jai Balaji Industries & Anr.

...Respondents

Present:

For Appellant :

Mr. Tushar Mehta, Solicitor General

Ms. Surekha Raman, Advocate

For Respondents :

Mr. Diwakar Maheshwari, Mr. Aditya V. Singh, Ms.

Pratiksha Mishra, Advocates for R-1

Mr. Santosh Choraria, IRP

Mr. Rahul Auddy,

O R D E R

(Through Virtual Mode)

12.10.2020 The issue raised in both the appeals against admission of application under Section 9 of the 'I&B Code' is that the appeal against the arbitral award is pending consideration before the Hon'ble High Court of Kolkata.

Issue Notice upon the Respondents.

Mr. Diwakar Maheshwari, Advocate waived and accepted notice on behalf of Respondent No. 1(Caveator). Caveat filed by Respondent No. 1 is discharged. Mr. Santosh Choraria, Advocate waived and accepted notice on behalf of Respondent No. 2. As service being complete, no further notice need to be served upon Respondents. Reply-affidavits on behalf of Respondents may be filed within two weeks. Rejoinder thereto, if any, may be filed within two weeks thereof.

List the appeal 'for Admission (After Notice)' on **23rd November, 2020.**

Meanwhile, notwithstanding with the objection raised by the learned counsel for Respondent No. 1, keeping in view the pendency of the appeal against the arbitral award, we direct the impugned order be put on hold till the next date of hearing.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Justice Anant Bijay Singh]
Member (Judicial)**

**[Dr. Alok Srivastava]
Member (Technical)**

/ns/gc/

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