

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 729 of 2019

IN THE MATTER OF:

Mr. G.R.K. Reddy

...Appellant

Versus

Phoenix ARC Pvt. Ltd. & Ors.

...Respondents

Present:

For Appellant : Mr. Nitin Palluluri, Advocate

O R D E R

18.07.2019 Learned counsel for the Appellant submits that the Adjudicating Authority (National Company Law Tribunal), Chennai was in an unwarranted urgency passed order of admission even when both the parties i.e. Appellant and Respondent sought time to complete the settlement process.

Let notice be issued on the respondents by Speed Post. Requisite along with process fee, if not filed, be filed by 19th July, 2019. If the appellant provides the *e-mail* address of respondents, let notice be also issued through *e-mail*.

Post the case 'for orders' on **27th August, 2019**.

In the meantime, by way of last chance, Appellant is given liberty to settle the matter with the Respondents. We direct the 'Interim Resolution Professional' not to constitute the 'Committee of Creditors' till the next date. If the Appellant failed to settle the matter before the next date, the interim order of prohibition to constitute the 'Committee of Creditors' may be vacated. The 'Interim Resolution Professional' will ensure that the company remains 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

[Kanthi Narahari]
Member (Technical)

/ns/gc