

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 348 of 2020**

**In the matter of:**

**Jayanta Banerjee**

**....Appellant**

**Vs.**

**Shashi Agarwal, The Liquidator of  
INCAB Industries Ltd.**

**....Respondent**

**Present:**

**Appellant: Mr. Arijit Mazumdar, Mrs. Akanksha Kaushik,  
Ms. Aarushi Mishra, Mrr. Devesh Ajmani and  
Mr. Avishek Das, Advocates.**

**Respondent: Mr. Kumar Anurag Singh, Mr. Anando Mukherjee,  
Mr. Zain A. Khan, Advocates.  
Mr. Sanjib K. Mohanty with Mr. Amit Acharya,  
Advocates for Intervenors.  
Mr. Rudreshwar Singh with Mr. Gautam Singh,  
Advocates for Member of COC.**

**ORDER**

**27.02.2020:** Shri Anando Mukherjee, Advocate appears on behalf of Respondent No. 1/ Caveator. No notice needs to be issued on 1<sup>st</sup> Respondent. Caveat stands discharged. Committee of Creditors (COC) is a necessary party but has been left out. Appellant is directed to array 'Committee of Creditors' as 2<sup>nd</sup> Respondent. Necessary corrections be made in the cause title and the body of the memo of appeal.

Notice be issued on newly impleaded 2<sup>nd</sup> Respondent by Speed Post. Requisites alongwith process fee, if not already filed, be filed by tomorrow. If

the Appellant provides e-mail address of the 2<sup>nd</sup> Respondent, let service be effected through e-mail as well.

Shri Sanjeev Kumar Mohanty, Advocate submits that 277 workmen of the M/s. INCAB Industries Ltd., Jamshedpur want to intervene. He may file application for intervention.

List the matter 'for admission (after notice)' on **24<sup>th</sup> March, 2020.**

Any action taken in liquidation proceedings shall be subject to the outcome of the Appeal.

**[Justice Bansi Lal Bhat]**  
**Member (Judicial)**

**[V.P. Singh]**  
**Member (Technical)**

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

*ha/nn*