

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Ins) No.661 of 2020

IN THE MATTER OF:

Rajratan Babulal Agarwal

...Appellant

Versus

Agarwal Coal Corporation India Pvt. Ltd. & Anr.

...Respondents

For Appellant:

**Shri Anish Agarwal, Shri Mayur Khandeparkar,
Shri Tejas Agarwal and Vanshia Gupta, Advocates**

For Respondents:

**Shri Vivek Kohli, Senior Advocate with Shri
Abhishek Swaroop, Advocate (Intervener on
behalf of COC)
Shri V.N. Dubey, Advocate (R-1)
Shri Kunal Chheda, Advocate (IRP – R2)
Shri Fanendra Munot, Erstwhile IRP
Shri Ayush J. Rajani, PCA (RP)**

ORDER
(Virtual Mode)

03.02.2021 Heard Counsel for Appellant. We have also heard Counsel for Respondent No.1 – Operational Creditor. The IRP was Respondent No.3 – Fanendra Harakchand Munot and as by the time this Appeal came up on 4th August, 2020, Resolution Professional had been appointed, the name of Respondent No.3 – Fanendra Munot was directed to be deleted. However, the IRP has appointed his Advocate – Shri Kunal Chheda who on instructions is present and has been heard. The Respondent No.2 – Corporate Debtor through RP is heard for whom PCA Ayush J. Rajani is present.

Senior Advocate Shri Vivek Kohli along with Shri Abhishek Swaroop, intervenes on behalf of COC (Committee of Creditors). He states that he has filed Intervention Application by e-filing. Hard copy may be filed. The learned Senior Counsel, however, is heard. The hard copy of Intervention Application may be received and numbered if not yet numbered.

The learned Counsel for Appellant has made various averments against the erstwhile IRP – Fanendra Munot in the course of arguments making reference to the Rejoinder. The erstwhile IRP through Advocate is heard but we ask the IRP to respond to the adverse averments by filing written submissions.

Parties who have not yet filed written submissions including the Counsel for COC, may file written submissions not more than three pages within two weeks.

Parties to exchange their written submissions with each other within ten days.

Reserved for Judgement.

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

[V.P. Singh]
Member (Technical)

rs/md