

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 644 of 2020

IN THE MATTER OF:

NRC Employees Union

...Appellants

Versus

Vikas Prakash Gupta, Resolution Professional & Ors.

...Respondents

Present:

For Appellants: Mr. Jawahar Raja, Mr. Archit Krishna and Mr. Prakash Bankeshwar, Advocates.

For Respondents: Mr. Vikram Hegde, Advocate with Mr. Vikas Gupta, RP for R-1.

Mr. Himanshu Satija, Advocate for R-4 (CoC)

Mr. Nishit Agrawal, Advocate.

With

Company Appeal (AT) (Insolvency) No. 662 of 2020

IN THE MATTER OF:

All India Industrial and General Workers Union & Anr.

...Appellants

Versus

Vikas Gupta, Resolution Professional & Anr.

...Respondents

Present:

For Appellants: Ms. Ronita Bhattacharya, Advocate.

For Respondents: Mr. Vikram Hegde, Advocate with Mr. Vikas Gupta, RP for R-1.

Mr. Himanshu Satija, Advocate for R-2 (CoC).

Mr. Nishit Agrawal, Advocate.

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ORDER
(Through Virtual Mode)

20.08.2020: In Company Appeal (AT) (Ins) No. 644 of 2020, there is not appearance on behalf of Respondent No. 2 – Punjab National Bank (Financial Creditor) despite service of notice. Its appearance is awaited. Learned counsel for the Appellant submits that he has served notice on all the Respondents. However, we find that Respondent No. 3 has not been delivered notice which has been received back. Since it is submitted by learned counsel for the Appellant that Respondent No. 3 is the Corporate Debtor and is represented by Resolution Professional (Respondent No.1), there is no need to serve the Corporate Debtor independently. Learned counsel for Respondent No. 1 (Resolution Professional) undertakes to represent Respondent No. 3. Respondents may file their reply affidavits within two weeks. Rejoinder, if any, may be filed within one week thereof.

In Company Appeal (AT) (Ins) No. 662 of 2020, both the Respondents have been served. Reply affidavit has been filed by Respondent No. 2. Learned counsel for Respondent No. 1 seeks and is allowed two weeks' time to file reply affidavit. Rejoinder, if any, may be filed within one week thereof.

Learned counsel for the parties in both the appeals may also file their short written submission, not exceeding three pages alongwith their pleadings.

Mr. Nishit Agrawal, Advocate appears and submits that NRC Mazdoor Sangh is a necessary party which has been heard at the Adjudicating Authority level and is required to be impleaded as party respondent in both the appeals. He intends to file application seeking impleadment in both the appeal. He may file the same.

List the appeal 'for hearing' on **18th September, 2020**.

Interim direction to be continued.

[Justice Bansi Lal Bhat]
Acting Chairperson

[V. P. Singh]
Member (Technical)

[Dr. Alok Srivastava]
Member (Technical)

am/gc