

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 247 of 2020**

**In the matter of:**

**Rajendra Mulchand Verma & Ors**

**Appellant**

**Vs**

**Aurgangabad Gymkhana Club Pvt Ltd & Ors**

**Respondent**

**Mr. Rajeshwar Rao, Mr George Thomas, Mr. R Kackar, Advocates for appellant.**

**Mr Yash Anand Advocate for Respondent.**

**ORDER**

**10.02.2020:** The learned Counsel for the Respondent No.1 is permitted to file reply in the course of the day, before the Office of the Registry. For filing of rejoinder, if any, one week' time is granted.

2. On going through the impugned order dated 20.01.2020 in MA 3778/2019 in CP No. 1109/(MB)/2019 the observation made by the Adjudicating Authority (National Company Law Tribunal Mumbai Bench) to the effect that "*this is a fit case where the applicant should have gone straight to police and file an FIR as the same is a cognizable offence*" this Tribunal is of the prima facie view that the same seems to be an unwarranted one. At this juncture it is brought to the notice of this Court that the aforesaid MA 3778/2019 is slated for Hearing on 21<sup>st</sup> February, 2020 before the Adjudicating Authority. For the Respondent No.1 Mr.Yash Anand, Advocate takes notice and for filing of the reply of the Respondent No.1, the matter is adjourned to **3<sup>rd</sup> March, 2020.**

3. In respect of other respondents notice is ordered.

4. Let notice be issued to the other Respondents by speed post. Requisites alongwith process fee, if not filed, be filed by 13.2.2020. If the Appellant

provides the email address of Respondents, let notice be also issued through email.

**[Justice Venugopal M.]**  
**Member (Judicial)**

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

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