

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 405 of 2020

IN THE MATTER OF:

Mr. Sameer Das

...Appellant

Versus

Radstad India Private Limited & Anr.

...Respondents

Present:

For Appellant: Mr. Dhaval Deshpande, Advocate.

O R D E R

06.03.2020 'Radstad India Private Limited' (Operational Creditor) moved application under Section 9 of the Insolvency and Bankruptcy Code, 2016 against 'Dalmia Healthcare Limited' (Corporate Debtor) which is admitted by the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench, Court – III by impugned order dated 13th February, 2020.

Learned counsel appearing on behalf of the Appellant while submits that there was pre-existing dispute, contended that the Appellant is agreed to pay the dues as claimed by the Respondent (Operational Creditor) in Form - 5 (Application under Section 9) by the first week of April, 2020, subject to right and contention raised by the Appellant.

Let notice be issued on Respondents by Speed Post. Requisites along with process fee be filed by 7th March, 2020. If the Appellant provides *email* addresses of the Respondents, let notice be also issued through *email*.

Dasti service is permitted.

The Appellant will hand over a copy of this order to 'Interim Resolution Professional'.

In the meantime, it will be open to the Appellant and the Respondent (Operational Creditor) to reach the settlement and file terms of settlement before this Appellate Tribunal two days prior to the next date of hearing.

Post the Case 'For Orders' on **15th April, 2020**.

Until further orders, the 'Interim Resolution Professional'/ 'Resolution Professional' will not constitute the 'Committee of Creditors', if not yet constituted. However, 'Interim Resolution Professional'/ 'Resolution Professional' will ensure that the 'Corporate Debtor' remains a going concern and will take assistance of the (suspended) Board of Directors, Directors, Employees and Workmen. The person who is authorised to sign the bank cheques may issue cheques only after counter signature of the 'Interim Resolution Professional'. The bank accounts 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 paid Director, the employees'/workmen electricity bills etc.

[Justice S.J. Mukhopadhaya]
Chairperson