

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 1112 of 2020

In the matter of:

Bipin Sharma

....Appellant

Vs.

Earth Infrastructure Ltd. & Anr.

....Respondents

Present:

Appellant: Mr. Arvind, Mr. Kumar Mihir, Advocates, Mr. Bipin Sharma (in person)

Respondents: Mr. Anurag Bhatt and Mr. Ashish Makhija, Advocates for R1.

ORDER
(Through Virtual Mode)

23.12.2020: The issue raised in this appeal against rejection of application of Appellant filed under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 ("I&B Code" for short) seeking to bar Resolution Applicant from filing Resolution Plan on account of ineligibility in terms of Section 29A of the 'I&B Code' is that the account of 'Zillion Infraprojects Pvt. Ltd.' was declared as NPA on 31st January, 2018 and the Resolution Applicant being a 'related party' incurred ineligibility to file Resolution Plan.

Issue notice upon Respondents. Notice on behalf of Respondent No.1 is waived and accepted by Mr. Ashish Makheja, Advocate. No further notice need be issued to him. Reply affidavit may be filed by the Respondent No.1 within 2 weeks. Rejoinder, if any, be filed within 2 weeks thereof.

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Short written submissions not exceeding three pages may also be filed along with the pleadings supported by the relevant case law.

Let notice be issued on Respondent No.2 only. Appellant to provide mobile Nos./ e-mail address of the Respondent No.2. Notice be issued through e-mail or any other available mode. Requisites along with process fee be filed within one week.

List the appeal 'for admission (after notice)' on 9th February, 2021.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Justice Anant Bijay Singh]
Member (Judicial)**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

am/gc