

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 240 of 2020

In the matter of:

Empathy Infra & Engineering Pvt. Ltd.

....Appellant

Vs.

Bhuleswar Steel & Alloys Pvt. Ltd.

....Respondent

Present:

**Appellant: Ms. Kanupriya Giwani and Ms. Malvika Tiwari,
Advocates.**

Respondent: Ms. Niharika Sharma, Advocate for RP.

ORDER

12.02.2020: Delay of 13 days in refiling the appeal is condoned. I.A. No.639/2020 stands disposed of.

Since in terms of law enunciated by the Hon'ble Apex Court in '**Innoventive Industries Ltd.' Vs. 'ICICI Bank & Ors.' in Civil Appeal Nos. 8337-8338 of 2017** disposed on 31st August, 2017, a Corporate Debtor is not eligible to file appeal against an order of admission under Section 9 of the Insolvency and Bankruptcy Code 2016, the Appellant is permitted to file an application for substitution of Appellant by a Shareholder/Director of the Corporate Debtor and transpose the Corporate Debtor as party respondent no. 2 through Interim Resolution Professional. Application for substitution and transposition may be filed within one week.

Post the matter 'for orders' on **2nd March, 2020.**

**[Justice Bansi Lal Bhat]
Member (Judicial)**

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

am/ha/nn