

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) Nos. 814 - 815 of 2019

IN THE MATTER OF:

Keep In Touch Clothing Pvt. Ltd.

...Appellant

Versus

Noble Co-operative Bank Ltd.

...Respondents

Present:

For Appellant : **Mr. Y.K. Kapur and Mr. Bhushan Kapur, Advocates**

For Respondent : **Mr. Anup Kumar, IRP**

O R D E R

09.08.2019 The ‘Corporate Insolvency Resolution Process’ having been initiated against ‘M/s. Keep In touch Clothing Pvt. Ltd.’ (Corporate Debtor). In view of the decision of Hon’ble Supreme Court in “*Innoventive Industries Ltd. v. ICICI Bank [Innoventive Industries Ltd. v. ICICI Bank, (2018) 1 SCC 407]* (Para 11), the appeal is not maintainable at the instance of the ‘Corporate Debtor’. In this background, the learned counsel appearing on behalf of the Appellant requested to allow ‘Mr. Amber Joshi’, the Director of ‘M/s Keep in Touch Clothing Pvt. Ltd.’ (Corporate Debtor,) whose details have been given in the ‘Momo of Parties’ and who has signed the Vakalatnama, to implead him as **Appellant** in place of the Corporate Debtor. Further request is made to allow the Appellant to change the nomenclature of the 2nd Respondent as Mr. Anup Kumar, Interim Resolution Professional of ‘M/s Keep in Touch Clothing Pvt. Ltd.’ (Corporate Debtor). Mr. Anup Kumar, ‘Interim Resolution Professional’ appears in person and have no objection to the same. The oral prayer is allowed.

Learned counsel for the Appellant will make the necessary corrections in the cause title of the appeal and other relevant pages of the paper-books in the course of the day.

The Vakalatnama filed by Mr. Amber Joshi is treated to be Vakalatnama filed in his personal capacity.

Learned counsel appearing on behalf of the Appellant submits that Appellant's main grievance is against the subsequent order dated 26th July, 2019 and there is no delay in preferring the appeal against the said order.

It appears that the Appellant intended to settle the matter with the 'Financial Creditor' but it has not been accepted by the Adjudicating Authority (National Company Law Tribunal), Principal Bench, New Delhi.

Insofar as the order dated 3rd July, 2019 is concerned, it is submitted that there is no delay in preferring the appeal as the certified copy of the order was delivered on 30th July, 2019.

Having heard learned counsel for the Appellant and Mr. Anup Kumar, IRP, we hold that there is no delay in preferring the appeal.

I.A. No. 2463 of 2019 stands disposed of.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

/ns/gc