

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) (Ins) No. 298 of 2021**

**IN THE MATTER OF:**

**Anuj Tejpal**

**... Appellant**

**Versus**

**Rakesh Yadav & Anr.**

**... Respondents**

**Present:**

**For Appellant: Mr. Amit Sibal, Sr. Advocate with Mr. Jeevan Ballav Panda, Ms. Shalini Sati Prasad and Meher Tandon, Advocates.**

**For Respondent: Ms. Noopur K Dalal, Keyur J. Shah, Advocates for IRP-R-2.  
Ms. Shilpa Gamnani, Advocate.**

**ORDER**  
**(Virtual Mode)**

**08.04.2021** Heard Learned Counsel for the Appellant. It is stated that because of confusion in name the Operational Creditor instead of proceeding against the sister concern of the Respondent Corporate Debtor, Operational Creditor proceeded against the Corporate Debtor. The dues were payable by "My Preferred Transformation and Hospitality Pvt. Ltd. (CMTH)". It is stated that the said sister concern has now already paid all the amounts claimed by the Operational Creditor as can be seen from Document at page 186 of the Appeal.

2. The Learned Counsel for IRP submits that Publication has already been made but Committee of Creditors has yet not been constituted.

3. The Learned Counsel for the Appellant submits that the Appellant would be making efforts to settle so that the Operational Creditor can withdraw the Application filed under Section 12A of IBC. The Appellant may take needful steps as required under Section 12A of IBC.

4. Issue Notice to the Respondent No. 1 by Speed-Post. Requisites along with process fee be filed, if not filed, by 09.04.2021. If the Appellant provides

the e-mail address of the Respondent No. 1, let notice also be issued through e-mail. Ms. Noopur K Dalal, Advocate appears on behalf of the IRP who has been appointed with regard to Respondent No. 2 Corporate Debtor. She submits that formal service of notice on the IRP is dispensed with.

5. The IRP may not constitute Committee of Creditors till the next date. In the meantime, the 'Interim Resolution Professional' will ensure that the company remains going concern and will take assistance of the (suspended) Board of Directors. The persons who are working will perform their duties including the paid Directors. The person who is authorised to sign the bank cheques may sign cheques only after authorisation of the 'Interim Resolution Professional' with counter signature of the 'Interim Resolution Professional' at the back side of the cheques. In such case, the Bank shall release the payment. The Interim Resolution Professional will place this order before the Banks, in which accounts of Corporate Debtor are maintained. The Bank Account(s) 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 employees'/workmen, electricity bills etc.

6. List the Appeal 'For Admission (After Notice)' Hearing on **16<sup>th</sup> April, 2021.**

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

**[Dr. Alok Srivastava]  
Member (Technical)**

*Basant B./md*