

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 149 of 2019

IN THE MATTER OF:

Tanya Bhatnagar

...Appellant

Versus

**Mohamed Hesham Amin
Basha Mashaal & Anr.**

...Respondents

Present:

For Appellant :

Mr. C.P. Malik, Mr. Deepender Hooda and Ms. Jyoti Hooda, Advocates

For Respondents:

**Mr. Mohinder Singh, Resolution Professional
Mr. Susheel Sharma, Advocate for
Creditors/Intervenors**

O R D E R

29.07.2019 The Respondent – ‘Mohamed Hesham Amin Basha Mashaal’ filed an application under Section 9 of the ‘Insolvency and Bankruptcy Code, 2016 (for short, ‘the **I&B Code**’) against ‘M/s. Global Energy Talent Private Limited’ which was admitted by the impugned order dated 19th December, 2018 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi Bench – III. The present appeal has been preferred by the Director/Shareholder of the ‘Corporate Debtor’.

On 25th February, 2019, learned counsel for the Appellant submitted that the Respondent – ‘Mohamed Hesham Amin Basha Mashaal’ had arrangement with ‘Global Energy Talent, Mauritius’ and not the ‘Corporate Debtor’ but the Demand Notice u/s 8(1) of the ‘I&B Code’ was issued to the ‘Corporate Debtor’. It was also submitted that no agreement or arrangement was there between the

Respondent (Operational Creditor) and 'Global Energy Talent Private Limited, Delhi' (Corporate Debtor) and, therefore, the application under section 9 of the 'I&B Code' was not maintainable. On 24th April, 2019, it was mentioned that the parties were negotiating the matter and one Mr. Sameer Rastogi, Advocate for Intervener appeared on behalf of the 'M/s. Global Energy Talent, Mauritius'.

Learned counsel for the Appellant submits that in spite of notice, today nobody appeared on behalf of 'Mohamed Hesham Amin Basha Mashaal' (Operational Creditor). Learned counsel for the Appellant submits that 'M/s. Global Energy Talent, Mauritius' has already settled the claim with 'Mohamed Hesham Amin Basha Mashaal'. However, from the record we find that one Mr. Deepak Yadav, Authorised Representative of 'M/s. Global Energy Talent, Mauritius' (Intervener) has filed an affidavit for placing on record the *e-mails* exchanged with 1st Respondent with regard to the confirmation of receipt of the payment with regard to 1st Respondent as ordered by this Appellate Tribunal on 6th May, 2019, which shows that the 1st Respondent has received the amount from 'M/s. Global Energy Talent, Mauritius'. We find that that no body appears on behalf of 'Mohamed Hesham Amin Basha Mashaal'.

Mr. Mohinder Singh, Resolution Professional has appeared. He submits that he has worked for about 5 months and incurred cost, total of which comes to Rs. 6 Lakhs approximately.

Some Intervention applications have been filed by other 'Creditors' namely 'M/s. Shrine India Advisors Private Limited', 'Aditya Kumar' and 'M/s. Valueonshore Advisory Services', who claim to be the 'Creditors' of the 'Corporate Debtor'.

However, as we want to hear the main appeal on merit, we are not deliberating on the question whether the “Intervenors” are entitled for any amount from the ‘Corporate Debtor’.

Post the case ‘for orders’ on **31st July, 2019**. The appeal may be disposed of on the next date.

[Justice S.J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

/ns/sk