

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

**Interlocutory Application No.2468 of 2019 in
Company Appeal (AT) (Insolvency) No. 772 of 2019**

IN THE MATTER OF:

Basab Biraja Paul & Anr.

.... Appellants

Vs

Edelweiss Asset Reconstruction
Company Limited & Anr.

.... Respondents

Present:

**For Appellants: Ms. Neeha Nagpal and Mr. Vishendra Tomar,
Advocates.**

**For Respondents: Mr. Siddharth Sharma and Mr. Zeeshan
Diwan, Advocates for Respondent No.1.**

**Mr. P.V. Dinesh and Mr. R.S. Lakshman,
Advocates for Respondent No.2.**

O R D E R

14.08.2019 Whether the 'Committee of Creditors' has been constituted or not, is a question of fact, which will be considered at the time of admission of the Appeal, which is ordered to be listed on 21st August, 2019. Therefore, no clarification is required to be issued at this stage. However, 'Interim Resolution Professional' will proceed in accordance with law in absence of any order of stay. Interlocutory Application No.2468 of 2019 stands disposed of.

Post the case 'for admission (after notice)' on **21st August, 2019** as ordered earlier.

Pendency of the Appeal will not come in the way of the Appellant to settle the matter with all the creditors in terms of Section 12A of the Insolvency and Bankruptcy Code, 2016, if 'Committee of Creditors' has already been constituted.

[Justice S. J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

Ash/GC

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