

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Ins) No.263 of 2019

IN THE MATTER OF:

Mukesh Agarwal

...Appellant

Versus

RQS Engineering Pvt. Ltd.

...Respondent

For Appellant: Ms. Neela Gokhale and Ms. Shruti Dixit, Advocates

For Respondent: Shri Rakesh Kumar and Ms. Chetna Bisht, Advocates

ORDER

20.08.2019 Counsel for the Respondent submits that the Appellant has already moved COC for settlement as per Section 12A of the Insolvency and Bankruptcy Code, 2016 and the matter has been referred to the Adjudicating Authority and the same is coming up on 29th August, 2019. The Counsel submits that Section 12A could not have been dealt with or cannot be decided in the absence of consent of the Operational Creditor. He says that he will take up his case before the Adjudicating Authority.

Counsel for the Appellant states that she does not have instructions if the Appellant has indeed moved COC under Section 12A, for which, she states that she will take instructions and revert back.

List the case for Orders on 9th September, 2019.

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

[Kanthi Narahari]
Member (Technical)

/rs/gc