

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1280 of 2019

IN THE MATTER OF:

Surajbari Traders Private Limited Appellant

Vs

Bharat NRE Coke Limited & Anr. Respondents

Present:

**For Appellant: Mr. Sandeep Bajaj, Ms. Aakanksha Nehra and
Mr. Namal Tandon, Advocates.**

ORDER

18.11.2019 Having heard learned counsel for the appellant and being satisfied with the grounds, the delay of 05 days in preferring the appeal is condoned. Interlocutory Application No.3699 of 2019 stands disposed of.

2. The Appellant-Shareholder filed application against constitution of 'Committee of Creditors', which has been rejected by the Adjudicating Authority (National Company Law Tribunal), Kolkata Bench, Kolkata by impugned order dated 27th September, 2019, relevant of which reads as follows: -

“CA(IB)1244/KB/2019 is filed by Suraksha ARC, one of the shareholder of the erstwhile corporate debtor challenging action of the RP’s constitution of CoC and allotment of voting share. Apparently, application is not maintainable because shareholders of the corporate debtor does not have locus to file application challenging the RO’s action by this way. Application stands disposed off and rejected.”

3. We have heard learned Counsel for the Appellant and perused the record. We find no ground to interfere with the constitution of 'Committee of Creditors'. For the said reason, no relief can be granted. The Appeal is dismissed. No cost.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

[Justice Venugopal M.]
Member (Judicial)