

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Comp. Appeal (AT) (Ins) No.262 of 2020

IN THE MATTER OF:

T.S.Murali & Anr.

...Appellants

Versus

Liquidator of Helpline Hospitality Pvt. Ltd

...Respondent

Present:

For Appellant: Mr. Rakesh Tiku, Sr. Advocate with Mr. Ajit Dayal, Mr. Awijit Paliwal and Mr. Meenakshi Jashi, Advocates.

For Respondent: Mr. Sameer Rastogi with Mr. Sarvesh kashyap and Mr. Mukesh Kumar, Advocates for Liquidator.

O R D E R

13.03.2020 We have heard learned counsel for the parties. Learned counsel for the Appellant submits that the Adjudicating Authority vide impugned order dated 20.12.2019 attached the property bearing Plot No. G-158, Section -41, Noida, Uttar Pradesh – 201302, which belongs to the Appellants. The Adjudicating Authority is also directed the Liquidator to take further steps for public auction of the same.

2. In compliance of this direction, the Liquidator has issued a notice on 24.12.2019 restraining the Appellants from transferring, alienating or creating any charge on the aforesaid property and also directed the Appellants to handover the vacant and peaceful possession of the property to the Liquidator within 15 days.

3. It is submitted that after passing the impugned order, the Appellants have filed an application bearing no. C.A No. 266 of 2020 dated 07.01.2020 for modification of the order, before the Adjudicating Authority. After hearing the argument, the Adjudicating Authority has reserved for orders. No order has been passed till date.

4. Learned counsel for the Appellant submits that till passing of the order by the Adjudicating Authority, the order for handing over the possession of the aforesaid property be stayed.

5. We are of the view that the prayer is reasonable and therefore, we pass the order that till passing of the order (in C.A No. 266 of 2020 dated 07.01.2020) by the Adjudicating Authority taking the possession of the aforesaid property by the Liquidator is hereby stayed.

6. It is made clear that we are not passing any order on merit and the Adjudicating Authority is free to pass the order without influenced by this order.

7. The Liquidator who is represented by Mr. Sameer Rastogi is directed not to proceed further in light of this order.

8. With this direction the Appeal is disposed of. No order as to costs.

9. The Appellant if aggrieved by the order passed by the Adjudicating Authority in the aforesaid application then they are at liberty to challenge the order.

[Justice Mr. Jarat Kumar Jain]
Member (Judicial)

[Mr. Balvinder Singh]
Member (Technical)

[Dr. Ashok Kumar Mishra]
Member (Technical)

RK/ Kam/