

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 645 of 2019

IN THE MATTER OF:

Manoj Kumar

...Appellant

Versus

**Ample Infrastructure Pvt. Ltd.
& Anr.**

...Respondents

Present:

For Appellant :

Mr. Pawan Dubey, Mr. Arijit Mazumdar, Mr. Shambo Nandy, Mr. Akaknsha Kaushik and Mr. Akshay Chandna, Advocates

For 1st Respondent:

**Mr. Pawan Bhushan, Mr. Tushar Bhushan and Ms. Garima Bajaj, Advocates
Mr. Talha Rahman, Advocate for Intervenor**

Mr. Saurabh Kalia, Advocate for 'Interim Resolution Professional'

O R D E R

03.07.2019 Learned counsel appearing on behalf of the Appellant and the learned counsel appearing on behalf of 1st Respondent submit that they have settled the claim. Mr. Saurabh Kalia, Advocate appears on behalf of the 'Interim Resolution Professional' submits that the 'Committee of Creditors' have not yet been constituted.

Mr. Talha Rahman, Advocate appearing on behalf of the Intervenor (Financial Creditor) submits that the Appellant should also settle the claim of Intervenor.

Mr. Arijit Mazumdar, learned counsel appearing on behalf of the Appellant submits that in terms of the settlement with the 1st Respondent, if the impugned order dated 27th May, 2019 is set aside and the 'Corporate Debtor' is allowed to

function through Board of Director, the 'Corporate Debtor' through the Board of Directors will take over to clear all the claims of creditors including the Intervenor.

The Appellant – 'Mr. Manoj Kumar', being member of the Board of Directors, is allowed to file an affidavit by 5th July, 2019 on behalf of the Board of Directors with undertaking as suggested before this Appellate Tribunal. Copy of the affidavit be also served on all the learned counsel for the parties including Intervenor.

Post the case 'for orders' on **9th July, 2019**. The interim order passed on 19th June, 2019 shall continue.

[Justice S.J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

/ns/gc