

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 299 of 2019

IN THE MATTER OF:

**Rajasthan Urban Drinking Water Sewerage and
Infrastructure Development Corporate Ltd.**

...Appellant

Vs

Teen Murti Constructions Pvt. Ltd.

....Respondent

Present:

**For Appellant: Mr. Gautam Singh, Mr. Aditya Singh and
Mr. Modassin Husain Khan, Advocates.**

For Respondent:

ORDER

27.03.2019: M/s Teen Murti Constructions Pvt. Ltd. moved an application under Section 9 against the Appellant – ‘Rajasthan Urban Drinking Water Sewerage and Infrastructure Development Corporate Ltd.’ (Corporate Debtor). The Appellant filed an objection on one of the ground that the application under Section 9 is not maintainable individually against the Appellant being an Agent and can be only made jointly alongwith National Institute Fashion Technology (NIFT), which is the Principal Debtor. Such submission having been rejected, the Appellant has challenged the impugned order dated 28th February, 2019.

2. Admittedly, the application under Section 9 is pending consideration, no order of admission has been passed by the Adjudicating Authority (National Company Law Tribunal), Jaipur and Appellant may raise all these questions before the Adjudicating Authority which may be decided uninfluenced by the impugned order dated 28th February, 2019, therefore, we are not inclined to

answer the question as raised in this appeal but will take up the issue if application under Section 9 is admitted against the Appellant. However, at that stage, Appellant would also be required to address as to how NIFT can be treated to be a Corporate Debtor, not being a Company.

3. The appeal stands disposed of with aforesaid observation. No costs.

[Justice S. J. Mukhopadhaya]
Chairperson

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

am/gc