

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency)No. 380 of 2020

IN THE MATTER OF:

Pammi Singh & Anr.

.....Appellants

Vs.

Shouryashubham Infrastructures Pvt. Ltd.

.....Respondent

Present :

For Appellant: Mr. Sunil Kumar, Appellant in person

O R D E R

04.03.2020 - The Appellant party in person states that the Appellant is aggrieved by the Impugned Order passed by the Adjudicating Authority ('National Company Law Tribunal') New Delhi, Court VI, dated 30.01.2020 passed in IB-2918/ND/2019 which reads as under:-

“ORDER

Vide order passed by the Hon'ble Apex Court in Writ Petition (Civil) No. 26/2020 in which the Hon'ble Apex Court has passed the order-

“Status quo as of today, with respect to the pending applications, shall be maintained in the meanwhile.”

*Let the case be placed after disposal of the Writ Petition (Civil) No. 26/2020. Matter is adjourned to **05.03.2020.**”*

....contd.

2. The Appellant states that the Adjudicating Authority has wrongly relied on the orders of Hon'ble Supreme Court in maintaining the status quo with regard to Section 7 application which he has filed. He states that the allotment in his case was cancelled in 2013 and thus it is not his case to take benefit as an allottee but he claims to be a 'Financial Creditor' without relying on the provision regarding allottee 'Financial Creditors' u/s 5(8)(f) Explanation, of IBC. He states there is distinction.

3. The Impugned order, however, does not show that any such case was made before Adjudicating Authority. The Adjudicating Authority has not dealt with any such issue.

4. Looking at the application filed u/s 7 of the 'I&B' Code and the Impugned order, we leave it to the Appellant to file a specific application for the purpose before Adjudicating Authority which can consider the same on its merits. He seeks liberty to move Adjudicating Authority and make out a case as above.

5. The present appeal is disposed of with liberty to the Appellant to move application before the Adjudicating Authority raising issue as above for its decision.

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

[Justice Anant Bijay Singh]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

ss/m

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