

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) (Insolvency) No.780 of 2018**

**IN THE MATTER OF:**

**Kamesh Badhana**

**...Appellant**

**Versus**

**Govind Ram & Ors.**

**...Respondents**

**Present:**

**For Appellant :                Mr. Arjun Kant and Mr. Adarsh Chamoli, Advocates**

**O R D E R**

**14.12.2018**            Having heard learned counsel for the appellant and being satisfied with the grounds, delay of 7 days in preferring the appeal is condoned.

I.A. No. 2041 of 2018 stands disposed of.

This appeal has been preferred by promoters of the 'Corporate Debtor' against the order dated 1<sup>st</sup> November 2018 passed by Adjudicating Authority (National Company Law Tribunal) New Delhi Bench whereby and whereunder Miscellaneous Application preferred by appellant (promoter) for review and recall of order dated 13<sup>th</sup> April, 2018 has been rejected being not maintainable.

Having heard the learned counsel for the appellant, we are of the view that the application for review or recall was not maintainable and, therefore, the Adjudicating Authority rightly rejected the same.

In so far as the liberty of the proceeding of publication dated 25<sup>th</sup> October, 2018 is concern, the order of liquidation has been passed on 11<sup>th</sup> October, 2018 and the said order not being under challenge, the Adjudicating Authority rightly

refused to stay publication in the newspaper as ordered on 25<sup>th</sup> October, 2018. This apart, the order dated 11<sup>th</sup> October, 2018 or the order dated 25<sup>th</sup> October, 2018, are not under challenge in this appeal. Therefore, we cannot deliberate on such issue as to whether order dated 11<sup>th</sup> October, 2018 is in accordance with law or not.

Learned counsel for the appellant submits that the order of liquidation is under challenge in some other appeal which is yet to be heard. In such case, we allow the learned counsel for the appellant to assist the Appellate Tribunal in the said appeal.

The appeal is dismissed with the aforesaid observations. However, the present order will not come in the way of decision in '*Company Appeal No. 721 of 2018*' wherein order of liquidation is under challenge.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ JusticeBansi Lal Bhat ]  
Member(Judicial)

/ns/gc/