

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 555 of 2019

IN THE MATTER OF:

VA Tech Wabag Ltd.

...Appellant

Vs.

Venkatesan Sankarnarayan & Ors.

.... Respondents

Present:

Appellant: Mr. Abhijeet Sinha, Ms. Surabhi Khattar, Ms. Sanskriti Sidana, Mr. Bishwajit Dubey and Mr. Kamesh Vedula, Advocates

Respondents: Mr. S.K Sharma and Mr. Avneet Sikka, Advocates

O R D E R

24.10.2019 Heard learned counsel for the Appellant and learned counsel for the Respondent Nos. 1 to 3. The Appellant has raised a question about its entitlement to certain money, which it claimed was in the hands of Corporate Debtor as a Trustee. It is stated that CA (AT) No. 372 of 2018 in CP No. (IB)-197 (PB)/2017 had been filed in this regard by the Appellant in the Company Petition when the matter was pending before Adjudicating Authority (National Company Law Tribunal), Principal Bench, New Delhi and Corporate Insolvency Resolution Process (CIRP) process was going on. It is stated that when the Resolution Plan was approved, the Adjudicating Authority passed the orders but missed this CA (AT) No. 372 of 2018, although as per earlier direction of the Adjudicating Authority, Auditor had been appointed and report had been received.

Learned counsel for both sides agree that the appellant may take up the matter before the Adjudicating Authority to seek decision of the Application and then parties can pursue their remedies. We pass the following order:

The matter is remitted to the Adjudicating Authority (National Company Law Tribunal) Principal bench, New Delhi with a request to decide the Company Application (AT) No. 372 of 2018 in CP No. (IB)-197 (PB)/2017 filed by the Appellant one way or the other, on an early date, after hearing concerned parties.

The present appeal is disposed of with directions as above. No costs.

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

[Kanthi Narahari]
Member (Technical)

[V. P. Singh]
Member (Technical)

sa/md