

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

**Company Appeal (AT) (Insolvency) No. 516 of 2019**

**IN THE MATTER OF:**

**M/s. Golden Jubilee Hotels Pvt. Ltd. ...Appellant**

**Vs.**

**M/s. NCC Limited ...Respondent**

**Present: For Appellant: - Mr. Y. Suryanarayan and Mr. Nikhil Jain, Advocates.**

**O R D E R**

**15.05.2019**— ‘M/s. NCC Limited’- (‘Operational Creditor’) filed claim before the ‘Resolution Professional’ which was partially admitted. Against the said decision, ‘M/s. NCC Limited’ moved before the Adjudicating Authority (National Company Law Tribunal), Hyderabad Bench, Hyderabad, under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 (“I&B Code” for short) with prayer to set aside the decision of the ‘Resolution Professional’ dated 15<sup>th</sup> June, 2018 in not admitting the claims of the Appellant in full and consequently directing the ‘Resolution Professional’ to admit the claim amount of Rs.51,75,95,253/-.

2. The Adjudicating Authority by impugned order dated 3<sup>rd</sup> April, 2019 taking into consideration the relevant fact that the claim is based on arbitration award, has directed to admit the claim.

Contd/-.....

3. *Prima facie* we are of the view that the 'Resolution Professional' is not aggrieved party as it is not going to affect 'Resolution Professional' in any manner and particularly when the 'Resolution Professional' has no jurisdiction to decide the claim.

4. Learned counsel for the Appellant submits that because of direction of the 'Committee of Creditors', the appeal has been preferred. However, such submission cannot be appreciated as the 'Committee of Creditors' is not empowered to decide the issue as to whether a claim in whole or part is to be admitted or not.

5. It is further submitted that the award has not yet reached its finality, but that ground cannot be taken by the 'Resolution Professional' though it is always open to the debtor of the award to challenge the same.

6. In absence of any infirmity, no interference is called for against the impugned order. The appeal is accordingly dismissed. No costs.

(Justice S.J. Mukhopadhaya)  
Chairperson

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

(Kanthi Narahari)  
Member(Technical)

Ar/g