

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal (AT) (Insolvency) No. 41 of 2020

In the matter of:

Konda Raghu Rami Reddy

....Appellant

Vs.

M/s. Sri Chaitanya Chlorides & Anr.

....Respondents

Present:

Appellant:

Mr. Kartik Seth, Ms. Shivali Dahiya and Mr. T.P.S. Harsha, Advocates

Respondents:

Mr. M.L. Sharma and Mr. Reddy, Advocates for Respondent No. 1

Mr. Naresh Kumar, Advocate for IRP

ORDER

13.02.2020: Learned counsel for the Appellant submits that the Appellant has settled the claim of the sole 'operational creditor' of 1st Respondent – Sri Chaitanya Chloride'. However, the same is disputed by the learned counsel for 1st Respondent.

Mr. Avnish Kumar, Company Secretary and Mr. M.L. Jain, Director of M/s. Bahubali Enterprises, who are in attendance, submit that they have also approached the Adjudicating Authority with application for initiation of the 'corporate insolvency resolution process', however, they have been directed by the Adjudicating Authority to file claims before the 'Interim Resolution Professional' and in pursuance of such directions they have filed their claim.

Learned counsel for the 'Interim Resolution Professional' submits that inadvertently in previous order dated 5th February, 2020 it has been recorded that he has received 16 (sixteen) claims from the 'Operational Creditors',

which is actually and factually incorrect. In fact, he has received only 6 (six) claims (5 from Operational Creditors and 1 from Financial Creditor). He further submits that the 'Committee of Creditors' has not been constituted yet and the resolution process has come to a grinding halt.

In these circumstances, we direct the 'Interim Resolution Professional' to go ahead with the constitution of the 'Committee of Creditors'. Interim order prohibiting constitution of 'Committee of Creditors' is accordingly modified.

At this stage, learned counsel for the Appellant wants to withdraw the Appeal.

The appeal is accordingly dismissed as withdrawn. We hereby clarify that this is a simple case of withdrawal of the Appeal and does not reflect on the merits of the case of either of the parties before the Adjudicating Authority.

[Justice Bansi Lal Bhat]
Member (Judicial)

[V. P. Singh]
Member (Technical)

[ShreeshMerla]
Member (Technical)

ns/nn

Company Appeal (AT) (Insolvency) No. 41 of 2020