

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No.310 of 2017

IN THE MATTER OF:

**1. Mr. Dinesh Kapur,
Flat No.615, 1st Floor, Gracia Floor,
GBM Apartments, Kharar Kurali Highways
Kharar, Dist – Mohali (Punjab) 140301.**

**2. Mr. Sukhwinder Singh Saini,
H. No. 452, Shivalik Vihar, Patiala Road,
Zirakpur, Dist. Mohali, Punjab -140603.**

**3. Mr. Kiran Anand,
House No. 83, Friends Colony,
GT Road, Khanna,
Dist. Ludhiana (Punjab)-141401.**

...Appellants

Vs

**1. M/s Recorders & Medicare Systems Pvt. Ltd.,
Plot No.196, Industrial Area, Phase-I
Panchkula – 134113 (Haryana)**

**2. Mr. Anil Goel, Resolution Professional,
M/s Recorders & Medicare Systems Pvt. Ltd.,
Plot No.196, Industrial Area, Phase-I
Panchkula – 134113 (Haryana)**

...Respondents

Present:

For Appellants: Mr. Ashwarya Sinha, Mr. Girik Bhalla, Advocates.

For Respondents: None.

ORDER

11.12.2017: The Appellants are aggrieved of the order dated 12th October, 2017 passed by NCLT, Chandigarh in CA No.120/2017 in CP (IB)No.7/Chd/Hry/2017 by virtue whereof the aforesaid CA has been dismissed in view of the undertaking given by learned counsel for Respondent on instructions that the respondents are not withdrawing any amount lying

attached under the orders of the Executing court for the time being in view of the moratorium.

2. The Appellants claim to be the erstwhile employees of the Corporate Debtor being armed with the decree passed in Civil Suit by Civil Judge (Junior Division), Chandigarh, in CS No.576/2013, 577/2013 and 578/2013. They seek to assail the impugned order on the ground that the Resolution Professional has wrongfully granted authority letter in favour of Mr. Jalesh Grover, to file, submit and appear before the Adjudicating Authority.

3. It is the admitted position in the case that the application under Section 10 of Insolvency and Bankruptcy Code has been admitted and Corporate Insolvency Resolution Process has been initiated. Mr. Anil Goel has been appointed as Resolution Professional. Moratorium has been imposed. In view of the imposition of Moratorium and the Insolvency Resolution Process being under way, Appellants cannot file instant appeal to exercise their rights under decree passed in the civil litigation. The remedy lies somewhere else. The appeal is not maintainable and stands dismissed.

(Justice Bansi Lal Bhat)
Member (Judicial)

(Balvinder Singh)
Member (Technical)

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