

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT) (Insolvency) No. 45 of 2020**

**In the matter of:**

**A. Srinivasan**

**....Appellant**

**Vs.**

**PMI Engineering Exports Pvt. Ltd.**

**....Respondent**

**Present:**

**Appellant: Ms. Anannya Ghosh, Advocate.**

**Respondent: Mr. Aravindh S., Advocate for R-1.**

**Mr. Siddharth Mehta, Advocate for R-2 (IRP).**

**ORDER**

**11.02.2020:** Heard both sides. It is represented on behalf of the Appellant as well as the 1<sup>st</sup> Respondent that a 'Memorandum of Understanding dated 7<sup>th</sup> February, 2020' was arrived at between the parties, which is not disputed. The factum of 'Memorandum of Understanding dated 7<sup>th</sup> February, 2020' arrived at between the parties is recorded.

Considering the fact that 'Memorandum of Understanding dated 7<sup>th</sup> February, 2020' was arrived at between the parties, the present Appeal is disposed of by this Appellate Tribunal, without costs. However, liberty is granted to the Appellant to file a necessary application under Section 12A of the Insolvency and Bankruptcy Code, 2016 coupled with Regulation 30A of Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for

Corporate Persons) Regulations, 2016 before the Competent Forum and seek redressal of its grievances, if he so desires/advised. The said application under Section 12A of the Code is to be filed within one week from today. Till then the 'Committee of Creditors' will not be constituted by the Interim Resolution Professional.

**[Justice Venugopal M.]**  
**Member (Judicial)**

**[V. P. Singh]**  
**Member (Technical)**

am/sr/rr