

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 684 of 2019

IN THE MATTER OF:

H.M. Industrial Pvt. Ltd.

...Appellant

Versus

**Shah Kirit Kumar Babulal
Ni Company & Ors.**

...Respondents

Present:

For Appellant : Mr. Sanket Gupta, Advocate

O R D E R

05.07.2019 As the appeal has been filed at the instance of the Corporate Debtor (M/s. H.M. Industrial Private Ltd.) which is not maintainable in the light of the decision of Hon'ble Supreme Court in "***Innoventive Industries Ltd. v. ICI Bank***" - (2018) 1 SCC 407] (Para 11), the learned counsel for the Appellant sought permission and allowed to file an application for substitution by one of the Shareholder/Director of 'M/s. H.M. Industrial Private Limited' as Appellant and transpose the Corporate Debtor ('M/s. H.M. Industrial Private Limited') through 'Interim Resolution Professional' as 2nd Respondent in place of the 'Interim Resolution Professional' and will make necessary corrections. The substitution application be filed within a week.

Post the case 'for orders' on **15th July, 2019** along with the petition for substitution, if any.

[Justice S.J. Mukhopadhaya]
Chairperson

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

[Kanthi Narahari]
Member (Technical)

/ns/gc