

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

**Company Appeal (AT) (Insolvency) No. 688 of 2018**

**IN THE MATTER OF:**

**Gir Logistics Pvt. Ltd.**

**...Appellant**

**Vs**

**C. A. Kannan Tiruvengadam & Anr.**

**...Respondents**

**Present:**

**For Appellant: Mr. Ashish Rana and Mr. Surekh K. Baxy,  
Advocates.**

**For Respondents: Mr. Robin Singh Sirohi and Ms. Vineeta Rathore,  
Advocates.**

**ORDER**

**18.03.2019:** In the case of '*M/s Prasad Gempex Vs. Star Agro Marine Exports Pvt. Ltd. & Ors., Company Appeal (AT) (Insolvency) No. 291 of 2018, etc.*' by our decision dated 1<sup>st</sup> February, 2019, this Appellate Tribunal held that the Resolution Professional has no jurisdiction to decide the claim of one or other creditor, including 'Financial Creditor', 'Operational Creditor', 'Secured Creditor' or 'Unsecured Creditor'. Resolution Professional only collates the claims and accept them to the extent verification made from the record. This Appellate Tribunal further held that notwithstanding the order passed under Section 31 of the I&B Code, it is open to a person to file a suit or an application against the 'corporate debtor' after completion of the period of moratorium, with regard to the disputed amount.

In view of the aforesaid decision, learned counsel appearing on behalf of the Appellant prays for withdrawal of the appeal with liberty to Appellant to take

recourse of filing appropriate suit/application in terms of Sub-section (6) of Section 60 of the I&B Code. Learned counsel for the Successful Resolution Applicant has no objection to the same. The prayer for withdrawal of appeal is allowed with liberty aforesaid.

[Justice S. J. Mukhopadhaya]  
Chairperson

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

*am/gc*