

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 130 of 2020

IN THE MATTER OF:

Sky High Infraprojects Private Limited ...Appellant

Versus

M/s Orion Infrabuild Private Limited & Anr. ...Respondents

Present

**For Appellants: Mr. Krishnendu Datta, Mr. Samesh Goyal,
Mr. Nubee Naved, Advocates.**

**For Respondents: Mr. Vipul Ganda, Mr. Shohit Chaudhary, Mr. Pankaj
Agarwal and Mr. Ayandeb Mitra, Advocates for IRP.
Mr. Vipul Ganda and Mr. Ayandeb Mitra, Advocates
for Financial Creditor – Respondent No.1.**

**Mr. Puneet Aggarwal, Ms. Tejaswini Tripathy and
Mr. Chetan Kumar Shiukla, Advocate for Intervener
– Respondent.**

ORDER

28.01.2020 Interlocutory Application seeking substitution of Mr. Sanjeev Kumar Arora, Director of suspended Board of Directors of ‘Corporate Debtor’ as Appellant is allowed and M/s. Sky High InfraProjects Private Limited, who had filed the Appeal is transposed as Respondent No.2 through ‘Interim Resolution Professional’. The Appellant to make necessary corrections in the cause-title and at all appropriate places in Memo of Appeal. Interlocutory Application No.392 of 2020 is disposed of.

After hearing learned Counsel for the Appellant for a while, we find that the Appellant is aggrieved of the order of admission of application filed by the Respondent – ‘Financial Creditor’, only to the extent of appointment of Shri Amarpal as ‘Interim Resolution Professional’. It is contended that Shri

Amarpal being catapulted to the position of professional partner from earlier position of designated partner, was ineligible and unfit to be appointed as 'Interim Resolution Professional'. It is admitted by learned Counsel for the Appellant that 'Committee of Creditors' has been constituted and the appointment of 'Resolution Professional' is yet to be confirmed.

In view of the same, it would be appropriate for the Appellant to raise the issue of ineligibility and unfitness of Shri Amarpal for being appointed as 'Resolution Professional' before the 'Committee of Creditors'.

In view of the same, the Appeal is disposed of with liberty to the Appellant to raise the issue before the 'Committee of Creditors', who will accord consideration to the objection raised by the Appellant and pass a speaking order.

[Justice Bansi Lal Bhat]
Member (Judicial)

[Vijai Pratap Singh]
Member (Technical)

[Shreesha Merla]
Member (Technical)