

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 141 of 2018

IN THE MATTER OF:

Industrial Services

...Appellant

Vs.

Burn Standard Company Limited & Anr.

...Respondents

Company Appeal (AT) (Insolvency) No. 142 of 2018

IN THE MATTER OF:

Industrial Services

...Appellant

Vs.

Burn Standard Company Limited & Anr.

...Respondents

Present: For Appellant: - Mr. Suddhasatva Banerjee, Mr. Prantik Garai, Mr. Amwsha Saha and Mr. Joydeep Acharya, Advocates.

For Respondents: - Mr. Palzer Moktan, Advocate.

O R D E R

19.04.2018- According to the Appellant, it rendered services to the 'Corporate Debtor' but his claim has not been allowed in view of a subsequent suit filed by the 'Corporate Debtor' against the Appellant during the Resolution Process. On the ground of such pendency of a suit they disputed the claim and not taken care of the Appellant- 'Operational Creditor'.

To find out whether the Appellant- Industrial Services was treated to be an 'Operational Creditor' by the 'Resolution Professional' for the 'Committee of Creditors' and their claim has been taken care of or not, we issue notice.

Let notice be issued on Respondents both in the matter of petition for condonation of delay and appeal by Speed Post. Mr. Palzer Moktan, Advocate accepts notice on behalf of the 1st Respondent. No further notice need be issued to him. He is allowed 10 days' time to file reply affidavit along with vakalatnama. Rejoinder, if any, be filed by the Appellant within 5 days thereof.

Let notice be issued on rest of the Respondents by Speed post. Requisite along with process fee, if not filed, be filed by 20th April, 2018. If the Appellant provides the e-mail address of Respondents, let notice be also issued through e-mail.

Post the matter on 9th May, 2018.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/uk