

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal(AT)(Insolvency) 70 of 2018

IN THE MATTER OF:

A & I Hospitality Private Ltd.

...Appellant

Vs

Deep Constructions Co.

....Respondent

Present:

For Appellant: Mr. Virender Ganda, Senior Advocate with Mr. Mohit D. Ram and Ms. Monisha Handa, Advocates.

For Respondent: Mr. Himanshu Chaubey and Mr. Shashwat Shukla, Advocates

O R D E R

24.04.2018 An application for substitution has been filed by the Appellant to substitute Mr. Naresh Hansrajmal Bulchandani, a member of the 'Corporate Debtor', as Appellant and transpose the 'Corporate Debtor' –A & I Hospitality Private Ltd. as 2nd Respondent.

Learned Counsel for the Respondent opposes the prayer on the ground that in view Section 61(2) of 'Insolvency and Bankruptcy Code', 2016 (henceforth referred to as 'I & B Code') the application should not be accepted. However, we reject the submission of the Respondent in view of the fact that the Appeal was filed on time and the order was never communicated to the aggrieved parties. The members being not party to the application, therefore Section 61(2) of 'I & B Code' is not attracted to the members who were not parties before the Adjudicating Authority.

Having heard the learned Counsels for the parties, we allow the application for substitution and substitute Mr. Natesh Hansrajmal Bulechandani, as Appellant and transpose 'A & I Hospitality Private Ltd.' through Interim Resolution Professional as 2nd Respondent. Learned Counsel for the Appellant will make necessary correction in the cause title and other pages of the appeal.

I.A. No. 447 of 2018 stands disposed of.

Let notice be issued on substituted Respondent No. 2 by Speed Post. Requisites along with process fee, if not filed, be filed by tomorrow i.e. 25.04.2018. If the Appellant provides the e-mail address of substituted Respondent No. 2, let notice be also issued through e-mail. **Dasti** service is permitted.

Post the matter for 'Admission' on **4th May, 2018**.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansilal Bhat]
Member (Judicial)

Akc/gc