

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeals (AT)(Ins) No.31 of 2017

IN THE MATTER OF:

Era Infra Engineering Ltd

...Appellant

Vs

Prideco Commercial Projects Pvgd Ltd.

...Respondent

Present: Mr. Manoj K. Singh, Mr. Vijaya Singh, Ms Bornali Roy, Mr Mahip Singh, Mr. Gyanendra Kumar, Mr. Tanuka De, Advocates for the appellant.

ORDER

20.04.2017- The grievance of the appellant is that the Adjudicating Authority initiated the insolvency process under Section 9 of the Insolvency and Bankruptcy Code, 2016 by admitting the case; appointing interim resolution professional and passing order of moratorium without any notice to the appellant. It is further stated that the petition under Section 9 of the Insolvency Bankruptcy Code, 2016 preferred by the Respondent was not maintainable in view of the fact that the appellant was not served with any notice under Section 8 of the Insolvency & Bankruptcy Code, 2016 and the petition was not filed in terms of (Form 3) Insolvency and Bankruptcy (Application to Adjudicating Authority) Rules, 2016.

Let notice be issued on Respondents by speed post and to state as to why the case be not heard at the stage of admission and be not disposed off. Requisites with process fee, if not filed, be filed by tomorrow. If the appellant provides the email addresses of the Respondents, let notice be also issued through email. Appellant to serve a copy of the paper Book on the respondents.

Post the matter on 27th April, 2017.

(Justice S.J. Mukhopadhaya)
Chairperson

(Mr. Balvinder Singh)
Member (Technical)

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