

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 456 of 2018

IN THE MATTER OF:

Krishna Kumar Mintri

...Appellant

Versus

Kamlesh Kumar Singhania & Anr.

...Respondents

Present:

**For Appellant : Mr. K. Dutta, Mr. A. Malhotra, Mr. S. Parashar and
 Mr. Naveen Hegde, Advocates**

For 2nd Respondent : Mr. Rajesh Gautam, Advocate

O R D E R

16.08.2018 Learned counsel appearing on behalf of the appellant submits that total dues have been paid to the 'Committee of Creditors', whereinafter the 'Committee of Creditors' by 100% voting share approved the request of the 'Financial Creditor' for withdrawal the application under Section 7 in terms of Section 12A of the I&B Code. However, it was not allowed by the Adjudicating Authority by the impugned order.

The aforesaid fact has also been admitted by learned counsel for the Punjab National Bank, who is the sole Member of the 'Committee of Creditors'.

Let notice be issued on the respondents. Mr. Rajesh Gautam, Advocate has already appeared on behalf of 2nd Respondent, no further notice need be issued on it. He may file reply-affidavit within a week.

Let notice be issued on the 1st respondent by Speed Post. Requisite along with process fee, if not already filed, be filed by 17th August, 2018. If the

appellant provides the *e-mail* address of the 1st respondent, let notice be also issued on him through *e-mail*.

Dasti service is permitted to serve on Mr. Kamlesh Kumar Singhania along with a copy of this order.

Post the case 'for admission' on 29th August, 2018 as first case.

Until further orders, the Adjudicating Authority will not pass any order under Section 31 of the I&B Code.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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