

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 316 of 2017**

**IN THE MATTER OF:**

**Srei Infrastructure Finance Ltd.**

**...Appellant**

**Vs.**

**Canara Bank & Ors.**

**...Respondents**

**And Company Appeal (AT) (Insolvency) No. 317 of 2017**

**IN THE MATTER OF:**

**Srei Infrastructure Finance Ltd.**

**...Appellant**

**Vs.**

**Canara Bank & Ors.**

**...Respondents**

**Present: For Appellant: - Mr. Sudipto Sarkar, Senior Advocate with Mr. Abhijeet Sinha, Mr. Arijit Majumdar, Mr. Arunobha Deb, Mr. Akshay Chandra, Mr. Shambo Nandy, Mr. Aditya Shukla and Mr. Saibat Sarkar, Advocates.**

**ORDER**

**14.12.2017-** The questions arise for consideration in these appeals are:

- (i) Whether the Appellant having 24% equity shares can be stated to be a person who controls more than 20% of voting rights in the 'Corporate Debtor' ***on account of ownership or a voting agreement*** in terms of Section 5(24) (j) & (k) of the Insolvency and Bankruptcy Code, 2016?

Contd/-.....

- (ii) Whether the Appellant can claim to be 'Financial Creditor' and thereby to be a member of 'Committee of Creditors'?

Let notice be issued on Respondents by speed post. Requisite along with process fee, if not filed, be filed by 15<sup>th</sup> December, 2017. If the Appellant provides the e-mail address of Respondent, let notice be also issued through e-mail.

Post the matter on 12<sup>th</sup> January, 2018.

In the meantime, if any decision has been taken by the 'Committee of Creditors' or the Adjudicating Authority, the same shall be subject to the decision of this Appeal.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member(Judicial)

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