

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 319 of 2017

IN THE MATTER OF:

Mahesh Kumar Sureka

...Appellant

Vs.

SBER Bank & Ors.

...Respondents

Present: For Appellant: - Mr. S.N. Mukherjee, Senior Advocate with Mr. Abhimanyu Bhandari, Mr. Pulkit Deora, Mr. Shaunak Mitra, Mr. Abishek Kumar and Mr. Shivam Takiar, Advocates.

ORDER

15.12.2017- Learned counsel for the Appellant submits that the Respondent-‘Financial Creditor’, a Foreign Bank preferred the application under Section 7 of the Insolvency and Bankruptcy Code, 2016 through Power of Attorney Holder. Though, the aforesaid fact has been brought to the notice of the Adjudicating Authority (National Company Law Tribunal), but in spite of the same, the application has been admitted which is against the decision of this Appellate Tribunal in “***Palogix Infrastructure Pvt. Ltd. Vs ICICI Bank Ltd.— Company Appeal (AT) (Insolvency) No. 30 of 2017***”

Contd/-.....

Let notice be issued on Respondents by speed-post. Requisites along with process fee, if not filed, be filed by 18th December, 2017. If the appellant provides e-mail address of the respondents, let notice also be issued through e-mail.

Dasti service is permitted.

Post the matter on 5th January, 2018.

In the meantime, it will be open to the Appellant to file an additional affidavit enclosing legible copy of the Power of Attorney filed by the Respondents and the charted documents.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/uk