

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 238 of 2017

IN THE MATTER OF:

Electrosteel Steels Ltd.

...Appellant

Vs.

Imperia Structures Ltd.

...Respondent

Present: For Appellant: - Mr. Naman Joshi and Mr. Ankit Rajgarhia, Advocates.

For Respondent: - Mr. Tarun Singla and Mr. Manoj Kumar, Advocates.

ORDER

07.02.2018 - On 1st December, 2017, we have noticed the issues in the present appeal.

The question arises for consideration in this appeal is as to whether the application filed by Appellant under Section 9 of the 'Insolvency and Bankruptcy Code, 2016' is in the capacity of 'Operational Creditor' or 'Corporate Debtor'. If he has applied as an 'Operational Creditor', one may argue in such case Section 11 of the Insolvency and Bankruptcy Code, 2016 is not applicable.

Learned counsel for the parties are allowed time to address on this issue.

Post the matter on 9th February, 2018.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

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