

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

**Company Appeal (AT) (Insolvency) No. 323 of 2017**

**IN THE MATTER OF:**

**M/s. ACPC Enterprises**

**...Appellant**

**Vs.**

**Affinity Beauty Salons Pvt. Ltd.**

**...Respondent**

**Present: For Appellant: - Dr. U.K. Chaudhary, Senior Advocate with Mr. Krishendu Datta, Mr. Ashish Verma, Mr. Himanshu Vij and Mr. Rohan Malik, Advocates.**

**For Respondent: - Mr. Madhan Narayan and Mr. Abhishek Naik, Advocates.**

**O R D E R**

**08.02.2018** — The question arises for consideration in this appeal is whether in the facts and circumstances of the case and in terms of Share Subscription Agreement dated 4<sup>th</sup> June, 2016, the Appellant can claim to be a 'Financial Creditor' within the meaning of sub-section (7) of Section 5 read with sub-section (8)(c) of Section 5 of the 'Insolvency and Bankruptcy Code, 2016'.

Mr. Madhav Narayan, Advocate submits that Mr. Rahul Mukherjee will appear on behalf of the Respondent, who is out of the station. On his request, the case is adjourned for 12<sup>th</sup> February, 2018.

Contd/-.....

The appeal may be disposed of at the stage of admission.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member(Judicial)

Ar/uk