

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeals (AT) (Insolvency) Nos. 32 & 50 of 2018

IN THE MATTER OF:

Randhiraj Thakur

...Appellant

Vs.

**M/s. Jindal Saxena Financial Services
Pvt. Ltd. & Anr.**

...Respondents

**Present: For Appellant: - Mr. Abhinav Vashisht, Senior Advocate
with Ms. Gauri Rishi and Shshili Juneja, Advocates.**

**For Respondents:- Mr. Umesh Mishra, Advocate for
Respondent No.1.**

O R D E R

27.02.2018- Learned Senior Counsel for the Appellant submits that no notice was issued by the Adjudicating Authority (National Company Law Tribunal) prior to admitting the application under Section 7 of the Insolvency and Bankruptcy Code, 2016. However, such submission is disputed by learned counsel for the Respondents. In this circumstance, we allow the Respondents to enclose the copy of the order passed by the Adjudicating Authority by which Registry of Tribunal was ordered to issue notice.

Learned counsel for the Appellant next contended that the 'Corporate Debtor' is a non-banking financial Company and is a financial service provider; therefore, it does not come within the

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definition of 'Corporate Person', nor a 'Corporate Debtor'. However, he accepts that the Respondent is a Company under the Companies Act and qua the Respondent is a 'Financial Creditor', and not a service provider.

Counsel for the Respondent prayed for and is allowed a week's time to file additional affidavit enclosing the copy of the order passed by the Adjudicating Authority by which Registry of Tribunal was ordered to issue notice. Rejoinder, if any, may be filed by the Appellant within a week thereof.

Post the matter on 15th March, 2018.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/gc