

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 74 of 2018

IN THE MATTER OF:

Yatri Vihar Hospitality Pvt. Ltd.

...Appellant

Versus

Technofac Contracts Pvt. Ltd.

...Respondent

Present:

**For Appellant : Mr. Pandey Neeraj Rai, Mr. Pandey Sangeet Rai and
 Ms. Rachitta P. Rai, Advocates**

O R D E R

28.02.2018 Learned counsel appearing on behalf of the appellant referred to paragraphs 16 to 18 of the impugned order dated 12th January, 2018 and submits that the Adjudicating Authority (National Company Law Tribunal, Kolkata Bench) though noticed that the contractor left the work and abandoned the work altogether in September 2014 and the work was sub-standard but in spite of the same admitted the application under Section 9 of the I & B Code, 2016 preferred by the respondent.

Heard. Being satisfied, the delay in re-filing the appeal is condoned.

Let notice be issued on the respondent by Speed Post. Requisite alongwith process fee, if not filed, be filed by 5th March, 2018. If the appellant provides *e-mail* address of the respondent, let notice be also issued through *e-mail*. Dasti service is permitted.

Post the matter on 19th March, 2018.

In the meantime, Interim Resolution Professional (IRP) will ensure that the company remains on going and the work of the company do not suffer, payment of wages to the employees/workmen are made on time and if any good is supplied or services is rendered during corporate resolution process, the payment must be paid to the supplier/creditor. If so necessary, the Insolvency Resolution Professional will take aid of (suspended) Board of Directors. The Bank having account of the corporate debtor will also cooperate with the Insolvency Resolution Professional to ensure compliance of this order.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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