

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal (AT)(Ins) No.11 of 2018**

**IN THE MATTER OF:**

**Mr Pradep Dayanand Kothari**

**...Appellant**

**Vs**

**A.Pandian**

**...Respondent**

**Present: Mr.S. Sivaraman, Ms Shalini Kaul and Mr. Abhishek Bhardwaj, Advocates for the appellant.  
Ms. Nishtha Khurana, Advocate for Respondent.**

**ORDER**

**11.01.2018-** Learned counsel appearing on behalf of the appellant submits that there was no amount due to the employee (applicant)/respondent. This has also been intimated in reply to the notice given by the employees. In spite of the same the application preferred by the respondent under Section 7 of the Insolvency and Bankruptcy Code, 2016 (hereinafter referred to as "I&B Code") has been admitted, order of moratorium has been passed and Interim Resolution Professional has been appointed.

Learned counsel, Ms Nishtha Khurana, Advocate appearing on behalf of Mr. A. Pandian, (Respondent herein), on instructions of Mr. Santhanam Swaminathan, Senior Advocate, accepts notice on behalf of Respondent and submits that the parties have settled the dispute. The compromise memo has been filed before the Adjudicating Authority, which is likely to be listed on 15<sup>th</sup> January, 2018.

From the impugned order we find that the application under Section 7 of the I&B Code was filed. However, from the compromise memo, a copy of which has been produced before us, it has been observed that an application under Section 9 of the I&B Code has been preferred. In the circumstances, while we issue notice to the respondent and Ms Nishtha Khurana, Advocate accepts notice. The respondent is allowed one week time to file reply and Vakalatnama. Appellant may file rejoinder within a week thereof.

Post the matter on 29<sup>th</sup> January, 2018.

2.

In the meantime, further action pursuant to the impugned order dated 19.12.2017 passed by the Adjudicating Authority (National Company Law Tribunal), Single Bench, Chennai in Petition No.CP/649/(IB)/CB/2017 shall remain stayed.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member (Judicial)

Bm/nn