

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 83 of 2017

IN THE MATTER OF:

M/s. Summer India Textile Mills Pvt. Ltd. ... Appellant

Versus

State Bank of India ... Respondent

**Present: For Appellant: - Shri V. Raghavachari and Shri
Sathish Kumar, Advocates**

**For Respondent : Shri E. Om Prakash, Senior
Advocate with Shri M. Anbalagan,
Advocate**

ORDER

19.07.2017 One of the questions arises in this appeal is whether the impugned order in absence of any proper notice to the appellant is legal or not? The other question arises is whether without initiating any proceeding under Section 7 of the Insolvency and Bankruptcy Code, 2016 (I&B Code) against the 'Principal Debtor', an application under Section 7 of the I&B Code is maintainable alone against the 'Guarantor' ?

Learned counsel for the appellant is allowed a week's time to file additional affidavit making necessary pleadings. Reply, if any, be filed within a week thereof.

Post the matter on 9th August, 2017.

[Justice S.J. Mukhopadhaya]
Chairperson

[Balvinder Singh]
Member (Technical)

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