

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 105 of 2017

IN THE MATTER OF:

State Bank of India

... Appellant

Versus

S. Muthuraju & Ors.

... Respondents

**Present: For Appellant : Shri Om Prakash, Senior Advocate with
Shri B. Karunakaran, Advocate**

**For Respondent No. 1: Shri Krishnendu Datta with
Shri Pritha Srikumar Iyer and Ms. Neha
Mathew and Shri Sulabh Tewari, Advocates
for Interim Resolution Professional (IRP)**

**For Respondents Nos. 2 and 3 : Shri Nikhil Nayyar with
Ms. A. Menon and Shri Dhananjay Baijal,
Advocates**

ORDER

26.07.2017 Shri Krishnendu Datta, Advocate accepts notice on behalf of Respondent No. 1/Interim Resolution Professional (IRP). Shri Nikhil Nayyar, Advocate accepts notice on behalf of Respondents Nos. 2 and 3. No further notice need be issued on them. They are allowed a week's time to file the reply.

Post the matter on 9th August, 2017.

In the meantime, IRP will take into consideration the stand of the appellant-State Bank of India, who claims to be 'Financial Creditor'. We may only observe except in a decision with regard to

the creditors, '*prima facie*' it appears that the Interim Resolution Professional has not been empowered to decide as to who is creditor or not? The appellant will also provide all evidences to the IRP in support of the claim, if not provided.

[Justice S.J. Mukhopadhaya]
Chairperson

[Balvinder Singh]
Member (Technical)

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