

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 317 of 2018

IN THE MATTER OF:

Rajesh Gupta

...Appellant

Vs

Dinesh Chand Jain & Ors.

....Respondents

Present:

**For Appellant: Mr. Virender Ganda, Senior Advocate with
Mr. Ashish Aggarwal, Mr. Ayandeb Mitra and
Ms. Shreya Jain, Advocates.**

For Respondents:

ORDER

25.06.2018: The question arises for consideration in this appeal is whether the Respondents – Mr. Dinesh Chand Jain and two others come within the meaning of ‘Financial Creditor(s)’ as defined under Section 5(7) & (8) of the Insolvency and Bankruptcy Code, 2016.

Let notice be issued on Respondents by speed post. Requisites alongwith process fee, if not already filed, be filed by tomorrow. If the Appellant provides email address of the Respondents, let notice be issued also through email.

Post the case ‘*for admission*’ on **16th July, 2018**.

In the meantime, it will be open to the Appellant to file application for impleadment of Interim Resolution Professional and will serve a copy of paper book alongwith a copy of this order *by dasti* so that the Interim Resolution Professional if so require may appear.

Further, during pendency of the appeal, the Resolution Professional will ensure that the company remains on-going and if so necessary may take assistance of the (suspended) Board of Directors. The person who is authorised to sign the bank cheques may issue cheques only after authorisation of the Resolution Professional. The bank account(s) of the 'Corporate Debtor(s)' be allowed to be operated for day-to-day functioning of the company such as for payment of current bills of the suppliers, salaries and wages of the employees'/workmen, water and electricity bills etc.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice A. I. S. Cheema]
Member (Judicial)

am/nn