

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 82 of 2018**

**IN THE MATTER OF:**

**Binani Industries Ltd.**

**...Appellant**

**Versus**

**Bank of Baroda & anr.**

**...Respondents**

**Present:**

**For Appellant :**                    **Mr. S. N. Mukherjee, Mr. Virender Ganda and Mr. Ratnako Banerjee, Senior Advocates assisted by Mr. Arvind Kr. Gupta and Ms. Henna George, Advocates**

**For 2<sup>nd</sup> Respondent:**   **Mr. Abhinav Vashisth, Senior Advocate assisted by Mr. Prashant Pakhiddey, Mr. Manmeet Singh and Mr. Pranshu Paul, Advocates for Resolution Professional**

**Mr. R. Sudhinder, Advocate for Committee of Creditors**

**O R D E R**

**09.03.2018**            Issue Notice.

Mr. Pranshu Paul, advocate accepts notice on behalf of 2<sup>nd</sup> respondent i.e. Corporate Debtor through Insolvency Resolution Professional. No further notice need be issued on it. 2<sup>nd</sup> respondent will assist the Court and, if so desire, may file a reply-affidavit within a week. Mr. R. Sudhinder, advocate submits that he will file an application for impleadment on behalf of the 'Committee of Creditors' (CoC). He is allowed to do so within a week along with his Vakalatnama. If such an application is filed, then CoC should be treated as 3<sup>rd</sup> respondent. We are not issuing separate Notice on the 1<sup>st</sup> respondent who is a member of Committee

of Creditors as we are allowing Mr. R. Sudhinder, advocate to appear on behalf of CoC. He may obtain instructions from 1<sup>st</sup> Respondent and may file reply.

Post the case for admission on 23<sup>rd</sup> March, 2018.

In the meantime, if any meeting of CoC is held, the Resolution Professional get it conducted in terms of Section 24 of the Insolvency and Bankruptcy Code, 2016 intimating the suspended Board of Directors of the Corporate Debtor to attend the meeting. Notice should be given in advance in terms of I & B Code and Regulations framed thereunder.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Justice Bansilal Bhat ]  
Member (Judicial)

/ns/uk