

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

**I.A. No. 290 of 2018 in
Company Appeal (AT) (Insolvency) No. 74 of 2018**

IN THE MATTER OF:

M/s Yatri Vihar Hospitality Pvt. Ltd.

...Appellant

Vs

Technofac Contracts Pvt. Ltd.

....Respondent

Present:

**For Appellant: Mr. Pandey Neeraj Rai, Mr. Pandey Sangeet Rai and
Ms. Rachitta P. Rai, Advocates.**

For Respondent: Mr. Shwetank, Advocate.

O R D E R

19.03.2018: In view of the decision of Hon'ble Supreme Court in **'Innoventive Industries Ltd.' Vs. 'ICICI Bank & Ors.' in Civil Appeal Nos. 8337-8338 of 2017** disposed on 31st August, 2017, the learned counsel for appellant has filed an Interlocutory Application for substitution of Mr. Atul Roy, Shareholder and Director of M/s Yatri Vihar Hospitality Pvt. Ltd. (Corporate Debtor) as Appellant in place of original appellant M/s Yatri Vihar Hospitality Pvt. Ltd. and to transpose M/s Yatri Vihar Hospitality Pvt. Ltd. through 'Insolvency Resolution Professional' as 2nd Respondent.

The prayer is allowed. Let Mr. Atul Roy be substituted as Appellant in place of M/s Yatri Vihar Hospitality Pvt. Ltd. Mr. Atul Roy has already filed vakalatnama. M/s Yatri Vihar Hospitality Pvt. Ltd. through 'Insolvency Resolution Professional' be transposed as 2nd Respondent. Necessary corrections be made in cause title of the appeal and other documents. I. A. No. 290 of 2018 stands disposed of.

Mr. Shwetank, Advocate appears on behalf of 1st Respondent - M/s Technofac Contracts Pvt. Ltd. (Operational Creditor). No notice needs to be issued on him. Learned counsel for the Appellant will serve a copy of paper book on him by tomorrow. He may file reply within 2 weeks. Appellant may file rejoinder within a week thereof.

Let notice be issued on 2nd Respondent by speed post. Requisites alongwith process fee be filed by tomorrow. If the Appellant email address of the respondent is made available, let notice be issued also through email. *Dasti service permitted.*

Post the matter on **19th April, 2018.**

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

am/gc