

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI
Company Appeal(AT)(Insolvency) 111 of 2018

IN THE MATTER OF:

M/s Leather Export House(India) Pvt. Ltd.

...Appellant

Vs

Mr. Chava Bharath Kumar & Ors.

....Respondents

Present:

For Appellant: Mr. Purushottam Kumar Jha, Advocate.

ORDER

28.03.2018 Delay in refiling the appeal is condoned. Otherwise the appeal is within time.

Learned Counsel appearing on behalf of the Appellant submits that the Respondents Mr. Chava Bharath Kumar and two others cannot be treated to be 'Operational Creditor' having not supplied any 'goods' nor rendered any services to the 'Corporate Debtor'. The outstanding debt has been shown to be payable pursuant to an MOU for sale/purchase of land and building.

Let notice be issued on Respondents by Speed Post. Requisites along with process fee, if not filed, be filed by 02.04.2018. If the Appellant provides the e-mail address of Respondents, let notices be also issued through e-mail.

Post the case for 'admission' on **25th April, 2018**.

In the meantime, a strong prima facie case having made out we stay the impugned order dated 17.01.2018 passed by the Adjudicating Authority (National Company Law Tribunal) Chennai in C.P. No. CP/635/(IB)/CB/2017. However, the 'Corporate Debtor' or any of its Directors will not transfer or

alienate the moveable or immovable assets of the 'Corporate Debtor' including the amount lying with the Bank, except for day to day functioning of the 'Corporate Debtor'.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

Akc/uk