

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI
COMPANY APPEAL (AT) (Insolvency) No.41 OF 2017

In the matter of:

M/s Vasan Health Care Pvt Ltd

Appellant

Versus

M/s Alcon Laboratories (India) Pvt Ltd & Anr

Respondent

Present: Mr. Ramji Srinivasan, Senior Advocate with Mr. Rahul Srivastava and Mr. Vivek Paul One!, Advocates for the appellant.

Ms Megha Srivastava with Mr. C.A. Sinha, Advocates for the respondent.

ORDER

01.05.2017-The question involved in this appeal is whether the insolvency resolution process initiated under Section 9 of the Insolvency & Bankruptcy Code, 2016 is maintainable in a case where winding up petitions against the corporate debtors preferred by a third party (not the operational creditors) is pending?

Let notice be issued on respondent. Mr. C.A. Sinha, Advocate accepts notice on behalf of ^{1st} respondent. No notice need be issued to it. Notice be issued on 2nd respondent by speed post. Requisite with process fee, if not filed, be filed by tomorrow. If the appellant provides the email address of the 2nd respondent then notice be also issued through email. The appellant will also serve a copy of the paper book on Interim Resolution Professional (IRP).

Post the matter on ^{19th} May, 2017. During the pendency of the appeal if any order is passed by the adjudicating authority or any action initiated by the Interim Resolution Professional the same shall be subject to the decision of this appeal.

(Justice S. J. Mukhopadhaya)
Chairperson

(Mr. Balvinder Singh)
Member (Technical)