

NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
NEW DELHI

Company Appeal (AT) (Insolvency) No. 170 of 2018

IN THE MATTER OF:

Edelweiss Finvest Pvt. Ltd.

...Appellant

Versus

Ramswarup Industries Ltd.

...Respondent

Present:

For Appellant : **Mr. Shatadru Chakraborty, Ms. Sonia Dube and
Ms. Kanchan Yadav, Advocates**

O R D E R

01.05.2018 Learned counsel appearing on behalf of appellant referring to the orders of the Hon'ble High Court of Calcutta in C.P. No. 461 of 2009 (at pages 283 and 295) submitted that winding up application under Section 433(e) of the Companies Act, 1956 stands admitted in view of the order of the advertisement ordered by the High Court. Therefore, according to him, the application under Section 10 of the Insolvency and Bankruptcy Code, 2016 preferred by the respondent – 'Corporate Debtor' was not maintainable. In this regard, a reference has been made to the decision of this Appellate Tribunal in "*M/s. Unigreen Global Private Limited vs. Punjab National Bank and others*" – *Company Appeal (AT) (Insolvency) 81/2017*.

Let notice be issued on the respondent by Speed Post. Requisite alongwith process fee, if not filed, be filed by tomorrow i.e. 2nd May, 2018. If the appellant provides *e-mail* address of the respondent, let notice be also issued through *e-mail*.

Post the matter for 'admission' on 17th May, 2018.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/uk