

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

**Company Appeal (AT) (Insolvency) No. 181 of 2018**

**IN THE MATTER OF:**

**Cybermate Infotek Limited & Anr.**

**...Appellants**

**Vs.**

**Wincere Inc. & Anr.**

**...Respondents**

**Present: For Appellants: - Mr. Arun Kathpalia and Mr. Darpan Wadhwa, Senior Advocates with Mr. Varun Mishra and Mr. Samaksh Goyal, Advocates.**

**For Respondents:- Mr. Rajul Shrivastav, Advocate.**

**O R D E R**

**03.05.2018-** Learned counsel for the Appellant prays for and allowed to transpose the 1<sup>st</sup> Appellant- Cybermate Infotek Limited through 'Insolvency Resolution Professional' as 3<sup>rd</sup> Respondent. Mr. P. Chandra Sekhar be treated as Appellant in this case. Learned Counsel for the Appellant will make necessary corrections in the cause title of the appeal at the relevant pages.

Learned counsel for the Appellants submits that there is no debt due to the 'Financial Creditor' and the agreement on the basis of which the debt amount is claimed and default shown is not related to debt due from the 'Corporate Debtor', but from some other person. Reliance has been placed on Part IV & V of Form No.1 (at Page No. 279) and the enclosure attached thereto. It appears that there are other issues which are also to be determined.

Let notice be issued on the Respondents by Speed Post. Mr. Rajul Shrivastav, Advocate accepts notice on behalf of the Respondents. No further notice need be issued to him. He may file reply affidavit along with vakalatnama within ten days. Rejoinder, if any be filed within five days thereof.

Post the matter on 21<sup>st</sup> May, 2018.

Pendency of the appeal will not come in the way of the Appellant to request the Adjudicating Authority (National Company Law Tribunal) to replace the 'Insolvency Resolution Professional' Dr. K. Lakshmi Narasimha, in view of the order of this Appellate Tribunal dated 26<sup>th</sup> October, 2017 passed in Company Appeal (AT) (Insolvency) No. 228 of 2017.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice Bansi Lal Bhat)  
Member(Judicial)

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