

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 182 of 2018

IN THE MATTER OF:

Bhavik Bhimiyani

...Appellant

Vs.

Uday Vinodchandra Shah

(Resolution Professional of Neelkanth

Township & Construction Private Limited) & Ors.

...Respondents

Present: For Appellant: - Mr. Krishnendu Dutta and Ms. Smriti Churiwal, Advocates.

For Respondent:- Mr. Abhishek Anand, Advocate for 1st Respondent.

O R D E R

03.05.2018- According to the Appellant, the *prima facie* view has been expressed by the Adjudicating Authority (National Company Law Tribunal) against the Appellant without giving opportunity to the Appellant, who is one of the member of the Board of Directors. It is submitted that all the documents as were sought by the 'Resolution Professional' and related to the 'Corporate Debtor' were handed over to him. The Directors are not supposed to submit documents unrelated to the 'Corporate Debtor'.

Let notice be issued on the Respondents by Speed Post. Mr. Abhishek Anand, Advocate accepts notice on behalf of the 1st Respondent. 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.

Let notice be issued on the rest of the Respondents by speed post. Requisite along with process fee, if not filed, be filed by 4th May, 2018. If the Appellant provides the e-mail address of the Respondents, let notice be also issued through e-mail.

Post the matter on 23rd May, 2018.

During the pendency of the appeal, the Board of Directors will co-operate with the 'Resolution Professional' and provide documents which relates to the 'Corporate Debtor'. The 'Resolution Professional' will not ask for any document not related to the company in question.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

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