

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 196 of 2018

IN THE MATTER OF:

Prajna Prakash Nayak

...Appellant

Vs

ASAP Info Systems Pvt. Ltd. & Anr.

....Respondents

Present:

For Appellant: Mr. Shanksen Gupta, Mr. Pallav Shukla and Mr. Akshay Puri, Advocates.

**For Respondents: Ms. Gayatri Verma, Advocate for R-1.
Mr. Ashok Jung, Advocate for R-2 (RP).**

O R D E R

24.05.2018: Learned counsel appearing on behalf of the Appellant submits that the Appellant has come to know that Respondent – ‘M/s ASAP Info Systems Pvt. Ltd.’ is not an existing company. He prays for and allowed a weeks’ time to file affidavit enclosing evidence in support of such statement after serving a copy of the same to Ms. Gayatri Verma, learned counsel appearing on behalf of the 1st Respondent. Ms. Gayatri Verma, learned counsel for 1st Respondent and Mr. Ashok Jung counsel for the 2nd Respondent are allowed two weeks’ time to file affidavit wherein they will specifically state whether any company in name of ‘M/s ASAP Info Systems Pvt. Ltd.’ is existing in the records of Registrar of Companies. Appellant is allowed to file rejoinder to the reply affidavit within a week thereof.

Post the matter on **6th July, 2018**. The appeal may be disposed of at the stage of admission.

During pendency of the appeal, the Interim Resolution Professional will ensure that the company remains on-going and if so necessary may take assistance of the (suspended) Board of Directors. The person who is authorised to sign the bank cheques may issue cheques only after authorisation of the Interim Resolution Professional. The bank account(s) of the 'Corporate Debtor(s)' be allowed to be operated for day-to-day functioning of the company such as for payment of current bills of the suppliers, salaries and wages of the employees'/workmen, electricity bills etc.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

am/gc