

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

**Company Appeal (AT) (Insol.) No. 163 of 2017**

**IN THE MATTER OF:**

**Harendra Singh Rathore**

**...Appellant**

**Vs.**

**Arunava Sikdar & Anr.**

**...Respondents**

**And Company Appeal (AT) (Insol.) No. 166 of 2017**

**M/s. Hotel Gaudavan Pvt. Ltd.**

**...Appellant**

**Vs.**

**Alchemist Asset Reconstruction**

**Co. Ltd. & Anr.**

**...Respondents**

**Along with Company Appeal (AT) (Insol.) No. 134 of 2017**

**M/s. Hotel Gaudavan Pvt. Ltd. & Ors.**

**...Appellants**

**Vs.**

**Alchemist Asset Reconstruction**

**Co. Ltd. & Anr.**

**...Respondents**

**Present: For Appellants:- None.**

**For Respondents:- Mr. Amit Singh Chadha, Senior Advocate with Mr. Abhirup Dasupta and Ms. Swati Sharma, Advocates.**

**Mr. Krishnendu Datta and Mr. Ashu Bansal, Advocates for Resolution Professional.**

**ORDER**

**08.11.2017** — As these appeals have been filed pursuant to common 'Corporate Insolvency Resolution Process' initiated against the 'Corporate Debtor'- M/s. Hotel Gaudavan Private Limited & Ors., they were tied together for disposal.

2. Company Appeal (AT) (Insolvency) No. 134 of 2017 was filed on 16<sup>th</sup> August, 2017 against one of the impugned order dated 25<sup>th</sup> July, 2017. When the matter was taken up on 21<sup>st</sup> August, 2017, it was informed that because of casualty in the family of the counsel for the appellants he cannot come and the case was adjourned to 16<sup>th</sup> October, 2017. Again on 16<sup>th</sup> October, 2017, it was mentioned that Shri Siddharth Choudhary, counsel for the Appellant is unwell; on that ground the case was adjourned to 23<sup>rd</sup> October, 2017. On 23<sup>rd</sup> October, 2017, when the matter was taken up, learned counsel for the appellant submitted that the 'Financial Creditor' has moved before the Hon'ble Supreme Court of India in regard to the controversy raised in these appeals and he intends to bring the fact by an application which was allowed and the case was adjourned for today.

3. Today, in spite of repeated calls, nobody appears for any of the Appellants. One counsel initially prayed for pass over, which was allowed but then nobody turned up. As matter is pending since long and all the time adjourned on the prayer made by the counsel for the Appellants we decided to proceed with the matter.

4. Learned counsel for the respondents brought to our notice the order of the Hon'ble Supreme Court which has deprecated the action of the Appellants. He further brought to our notice as to how the Appellant-M/s. Hotel Gaudavan Pvt. Ltd. & Ors. are floating one or other orders

passed by the Adjudicating Authority and the earlier order of this Appellate Tribunal.

5. Heard learned counsel for the Respondents. Hearing concluded. Judgment reserved.

6. We make it clear that this Appellate Tribunal has not been passed any interim order of stay in any of the appeal, therefore it is open to the Adjudicating Authority to proceed in the pending insolvency proceedings in accordance with law.

7. Learned counsel for the parties may file short synopsis and written submissions by 10<sup>th</sup> November, 2017.

(Justice S.J. Mukhopadhaya)  
Chairperson

(Justice A.I.S. Cheema)  
Member (Judicial)

(Balvinder Singh)  
Member(Technical)

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