

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

**Company Appeal (AT) (Insolvency) No. 208 of 2017**

**IN THE MATTER OF:**

**Global Communication Services  
Holdings Ltd. & Anr.**

**.. Appellants**

**Versus**

**Siva Industries & Holding Limited**

**.. Respondent**

**Present:**

**For Appellant:                Shri Anuj Berry, Shri Malak Bhatt and Ms. Sonali  
   Malik Advocates**

**For Respondents:        Shri Anirudh Wadhwa and Shri Bhargav Thali  
   Advocates**

**O R D E R**

**10.11.2017**        In view of petition being not complete, stood abated, Rule 5 of the Companies (Transfer of Pending Proceedings) Second Amendment Rules, 2017, in such circumstances the Appellate Tribunal cannot remit the matter back to National Company Law Tribunal.

However, from the 2nd proviso to Rule-5, as it is clear that a fresh application under Section 9 of Insolvency & Bankruptcy Code, 2016 (hereinafter referred to as '**I & B Code**') can be filed by following provisions of I & B Code.

The Counsel for the Appellant prayed for and allowed two days' time to address the Court on such issues.

Post the matter on 13<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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