

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 656 of 2018

IN THE MATTER OF:

Kshyama Singh

...Appellant

Versus

Simran Kaur & Anr.

...Respondents

Present:

For Appellant : Mr. Arjun Singh, Advocate

For Respondents : Mr. Sumit Grover, Company Secretary
Mr. Mohtashim Kibriya, Advocate

O R D E R

26.10.2018 Learned counsel for the appellant submits that maternity benefits to which the employee (Operational Creditor) was entitled to is for a period of 6 ½ months, which the ‘Corporate Debtor’ agreed to pay. So was noticed by the Adjudicating Authority but merely on the ground that she is entitled for nine months’ salary as claimed by the respondent, the Adjudicating Authority has not deliberated on the issue and admitted the application filed under Section 9. Learned counsel for appellant submitted that application under Section 9 was not maintainable.

Let notice be issued on the respondents by Speed Post.

Mr. Sumit Grover, Company Secretary appears on behalf of Resolution Professional. No further notice need be issued on him. Let notice be issued on respondent. Requisite along with process fee, if not filed, be filed by 29th October,

2018. If the appellant provides the *e-mail* address of respondent, let notice be also issued through *e-mail*.

Post the case 'for Admission (After Notice)' on 3rd December, 2018 on the top of the list. The appeal may be disposed of on the next date.

In the meantime, Interim Resolution Professional (IRP) will ensure that the company remains on going and the manufacturing and production of the company do not suffer, payment of wages to the employees/workmen are made on time and if any material is supplied during corporate resolution process, the payment must be paid to the supplier/creditor. If so necessary, the Insolvency Resolution Professional will take aid of (suspended) Board of Directors. The Bank having account of the corporate debtor will also cooperate with the Insolvency Resolution Professional to ensure compliance of this order.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

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