

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

**Company Appeal (AT) (Insolvency) No. 67 of 2023**

**IN THE MATTER OF:**

**Hafiz Ali Ullatt**

**...Appellant**

**Versus**

**Translumina Therapeutics LLP & Anr.**

**...Respondents**

**Present:**

**For Appellant : Mr. Saad Shervani, Mr. Prateek Singh, Mr. Abhishek Singh, Mr. J. Amal Anand, Ms. Alisha Sharma, Mr. Elvin Joshy & Ms. Insha Mushtaq, Advocates.**

**For Respondents : Mr. Aditya Gauri, Mr. Dhananjaya Sud & Mr. Abhinav Tyagi, for R-2/IRP.**

**ORDER**

**06.03.2023** This appeal is directed against the order dated 17.01.2023 by which an application filed under Section 9 of the I & B Code, 2016 (in short Code) by Respondent No. 1 (Operational Creditor) against Respondent No. 2 (Corporate Debtor) has been admitted.

**2.** The present appeal has been filed by the Ex- Director of the Corporate Debtor. Notice in the appeal was issued on 20.01.2023 and following order was passed:-

*“ Heard learned Counsel for the Appellant.*

*This appeal has been filed against an order dated 17.01.2023 (Order placed before the Court at the time of hearing) by which Order, Section 9 Application has been admitted. The Application was filed for debt of Rs. 3.99 Crores with principal amount and interest. Learned Counsel for the Appellant further submits that after*

*passing of the order and on the next date the Appellant has settled the dues of the Respondent for an amount of Rs. 2.61 Crores (approx.) and has paid the entire amount.*

*Learned Counsel for the Operational Creditor/Respondent is present and he accepts that settlement has taken place between the parties.*

*Issue Notice. Requisites along with process fee be filed within three days. Let Reply Affidavit be filed within two weeks.*

*In the meanwhile, the order dated 17.01.2023 shall remain stayed.*

*List the appeal on 6th March, 2023.”*

**3.** Counsel for Appellant has submitted that an out of court settlement has been arrived at between the parties as per which the entire payment has been made by the Corporate Debtor to the Operational Creditor. Therefore, it is submitted that the present appeal may be allowed in terms of the settlement arrived at. At this stage, Counsel for Respondent No. 2 (IRP) has submitted that some expenses have been incurred during this period which may also be ordered to be paid. The said amount is mentioned as under :-

<b>S.No</b>	<b>Details</b>	<b>Amount</b>
1.	<i>Debit Note No. DN23\INSOL\800 dated 3-Feb-23 towards reimbursement of Expenses Incurred Amount Spend in Downloading Financial &amp; Public Document From Karza Scan.</i>	500
2.	<i>Advocate Fees for filing Affidavit: Rs. 7,500 + 10% clerkage</i>	8,250
3.	<i>Advocate Fees for Appearance before NCLAT: Rs. 15,000 + 10% clerkage</i>	16,500

**4.** Counsel for the Appellant has submitted that the aforesaid amount being claimed by the IRP shall be paid within a period of one week.

**5.** In view of the aforesaid facts and circumstances, the present appeal is hereby allowed in view of the settlement.

**[Justice Rakesh Kumar Jain]  
Member (Judicial)**

**[Dr. Alok Srivastava]  
Member (Technical)**

*Sim/RR*