

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

I.A. No. 2137 of 2023

in

Company Appeal (AT) (Insolvency) No. 617 of 2023

IN THE MATTER OF:

Manish Mukim

...Appellant

Versus

Rakhi, Proprietor of Srinivasa Cloth Mills & Anr.

...Respondents

Present:

For Appellant: Mr. Abhijeet Sinha, Advocate

For Respondent:

ORDER

18.05.2023: I.A. No. 2137 of 2023 has been filed. By this Application, the Appellant has prayed for Interim Reliefs. This Appeal was taken on 16th May, 2023 on which date, we passed following orders:

“16.05.2023: Learned counsel for the Appellant submits that the Appellant was always ready to make payment of the outstanding dues to the Operational Creditor and the settlement was also entered on 31.01.2020 with such intention and in pursuance of the settlement payment of about Rs.31 Lakhs was also made. Learned counsel for the Appellant submits that the Corporate Debtor is a running Concern and is able to clear its dues provided some reasonable time is allowed. It is further submitted the in view of the payments which were made by the Appellant, the default amount was less than Rupees One Crore and the threshold was not complete.

Issue notice. Requisites alongwith process fee be filed within three days.

Let Reply be filed by the Respondents within three weeks. Rejoinder be filed within two weeks thereafter.

List this Appeal on 28.07.2023.

In the meantime, Committee of Creditors, if not yet constituted, shall not be constituted.”

2. In this Application, it is submitted that when the order was communicated to the IRP, he sent an email on 17th May, 2023 at 09.16 AM that he has already constituted the Committee of Creditors on 15th May, 2023. Learned Counsel for the Appellant submits that no report regarding the constitution of CoC has been filed hence CoC constitution cannot be accepted. It is further submitted that matter is listed before the Adjudicating Authority on 19th May, 2023.

3. Issue notice in the Application. In the meantime, IRP shall not take any further step in the Corporate Insolvency Resolution Process. List this Application on the date fixed.

**[Justice Ashok Bhushan]
Chairperson**

**[Naresh Salecha]
Member (Technical)**

Basant/nn