

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

**Company Appeal (AT) (Insolvency) No. 492 of 2021**

**IN THE MATTER OF:**

**Wave Megacity Centre Pvt. Ltd.**

Mezzanine Floor, M-4,  
South Extension Part-II,  
New Delhi – 110049.

**...Appellant**

**For Appellant:**      **Mr. U. K. Chaudhary, Sr. Advocate with Mr. Hardeep Sachdeva, Mr. Kamal Shankar, Mr. Abhyudai Singh, Mr. Sumeer Sodhi, Ms. Manisha Chaudhary, Mr. Mansumyer Singh, Ms. Shreya Nair and Mr. Siddhant Bhasin, Advocates.**

**O R D E R**  
**(Virtual Mode)**

**19.07.2021:**      The Learned Senior Counsel for the Appellant submits that Application has been filed under Section 10 of the Insolvency and Bankruptcy Code, 2016 (for short 'I&B Code') in March, 2021 and since then the Learned Adjudicating Authority (National Company Law Tribunal). Principal Bench, New Delhi has not yet admitted the same. Learned Senior Counsel submits that the said Application is CP(IB)/197/PB/2021 filed by the Applicant – Corporate Applicant – 'Wave Megacity Centre Pvt. Ltd.'. It is stated that in the Application Interveners have been filing applications after applications and the Adjudicating Authority has been calling for replies to the applications without dealing with the main application, which is filed under Section 10 of I&B Code. The Learned Senior Counsel submits that when the matter came up on 2<sup>nd</sup> July, 2021, the Adjudicating Authority passed the following order:

*“The parties in all the IAs are directed to serve a copy of the applications to all the respondents. If copies of the applications have already been served then the respondents can only file their replies before the next date of hearing.*

*Cont'd...../*

*Parties are also directed to file hard copies of the applications before this Bench before the next date of hearing.”*

2. Aggrieved by the above order, the present Appeal has been filed. The Learned Senior Counsel states that the procedure being adopted by the Adjudicating Authority is not in consonance with the Judgment of this Tribunal in ‘Shobhnath & Ors. vs. Prism Industrial Complex Ltd.’, 2019 SCC Online NCLAT 1095, where it was held that no intervention application can be entertained by the Adjudicating Authority before admission of the application.

3. Having gone through the impugned order and after hearing Learned Senior Counsel for the Appellant, considering that the procedure to be followed by the Adjudicating Authority is basically for the Adjudicating Authority to adopt and control, it would not be appropriate for us to give any particular directions. The Appellant is at liberty to move appropriate application before the Adjudicating Authority in the light of Judgment referred. We have no reason to doubt that the Hon’ble Adjudicating Authority would adopt necessary procedure to meet the ends of the justice.

4. With such observations, we dispose of this Appeal.

**[Justice A.I.S. Cheema]**  
**The Officiating Chairperson**

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

*Archana/gc.*