

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

**Company Appeal (AT) (Insolvency) No. 637 of 2023**

**IN THE MATTER OF:**

**Dinesh Harbajanka**

**...Appellant**

**Versus**

**Anishagarwal,  
IRP of Unik Bazar Ltd.**

**...Respondent**

**Present:**

**For Appellant:** Mr. Shubham Paliwal, Mr. Prashant Jain, Mr. Varun Garg, Advocates

**For Respondent:**

**ORDER**

**18.05.2023:** Heard Learned Counsel for the Appellant.

2. This Appeal has been filed against the Order dated 22<sup>nd</sup> March, 2023 by the ex-director of the Corporate Debtor. It is submitted that Order has been passed in violation of principles of natural justice since Appellant could not file its Reply and the Application was not fully served.

3. Be that as it may, the last line of the order impugned provides “in the event of there being any relevant plausible explanation to be put forth by the ex-board of directors, it would be open to file an application before this Tribunal”.

4. In view of the express liberty granted by the Adjudicating Authority, we are of the view that Appellant ought to have avail the said liberty before the Adjudicating Authority by filing application.

5. In view of the aforesaid, we are not inclined to entertain this Appeal. The Appeal is dismissed with liberty aforesaid.

**[Justice Ashok Bhushan]  
Chairperson**

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