

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 689 & 691 of 2022

&

I.A. No. 2715 & 2716 of 2022

IN THE MATTER OF:

Vikram Bhawanishankar Sharma

...Appellant

Versus

Feedback Highways OMT Pvt. Ltd. & Ors.

...Respondents

Present:

For Appellant: Mr. Abhijeet Sinha, Mr. Anuj Tiwari, Mr. Aditya Shukla, Mr. Saurabh K. Mishra, Tuhina Misra, Advocates

For Respondent: Advocate Shweta Bharti, Advocate Zyoti Choudhary, Advocate Ankita Panikhar.

O R D E R

23.11.2022: Heard Learned Counsel for the parties.

2. This Appeal has been filed against the Order dated 10th June, 2022 passed by the Adjudicating Authority in I.A. No. 1260/MB/C-II/2022 in CP(IB) No. 274/MB/C-II/2017 by which the Adjudicating Authority has appointed the IRP - Ms. Poonab Basak.

3. Learned Counsel for the parties submits that Company Appeal (AT) Ins. No. 217 and 218 of 2022 arising against different Corporate Debtor has been allowed and Order dated 10th January, 2018 and 25th February, 2022 which was passed in similar facts and circumstances, have been set aside and the Appeals were allowed.

4. We are of the view that in view of the Judgement of this Tribunal dated 02nd September, 2022 in Company Appeal (AT) Ins. No. 217 and 218 of 2022,

these two Appeals i.e. Company Appeal (AT) Ins. No. 689 and 691 of 2022 deserves to be allowed. In pursuance of the Interim Order passed in these Appeals, Appellant has also made certain deposits before the Registrar of this Tribunal, said amount be refunded to the Appellant as is also the direction in the Order dated 02.09.2022. In result, both the Appeals are allowed. Impugned Orders are set aside and the matter is remitted to the Adjudicating Authority for afresh consideration and to pass appropriate order after hearing the parties. As the Application was filed in the year 2017, we request the Adjudicating Authority to decide the matter at an early date. Learned Counsel for the parties are at liberty to file “Additional Replies/Additional Documents”, if any.

[Justice Ashok Bhushan]
Chairperson

[Dr. Alok Srivastava]
Member (Technical)

[Mr. Barun Mitra]
Member (Technical)

Basant/nn