

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

**Company Appeal (AT) (Insolvency) No. 1334 of 2022
& I.A. No.4135 of 2022**

IN THE MATTER OF:

Q Top Fab Engineering Pvt. Ltd.

...Appellant

Versus

Avon Engineering & Ors.

...Respondents

Present:

For Appellant: Mr. Venit Trehan, Advocate.

For Respondents:

ORDER

11.11.2022: Delay of 5 days in filing the Appeal is condoned. I.A. No. 4135 of 2022 is disposed of.

2. This Appeal has been filed against order dated 27.07.2022 by which I.A. No. 253 of 2020 filed by the Corporate Debtor seeking the impleadment of Ex-Directors of the Corporate Debtor was rejected. Learned counsel for the Appellant contended that in fact, in the Balance Sheet there is no due reflected. However, a document has been filed claiming to be Balance Confirmation signed by Respondent No.2.

3. We have considered the submissions of the Appellant and perused the record.

4. Learned Adjudicating Authority while rejecting the application for impleadment has already observed that the contention in the application for both sides are kept open to be argued during the hearing of main application.

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It is open for the Appellant to submit all relevant documents and contentions and mere non-impleadment of the Ex-Directors can have no bearing on decision on the questions to be decided by the Adjudicating Authority after considering relevant materials produced before it. With these observations, we dismiss the appeal.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Archana/nn