

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

**Company Appeal (AT) Insolvency No. 1548 of 2022**

**IN THE MATTER OF:**

**Dharmesh S. Jain**

**...Appellant**

**Versus**

**Sushma Anand Jain**

**...Respondents**

**Present:**

**For Appellant:** Mr. Arun Kathpalia, Sr. Advocate with Mr. Kunal Vagani, Mr. Kunal Mimani, Mr. Kartikey Bhatt, Mr. Shubhang Tandon, and Aayushi, Advocates

**For Respondent:** Ms. Surekha Raman, Ms. Unnimaya S., Advocates for R-1  
Mr. Krishnendu Datta, Mr. Pranjit Bhattacharya, Ms. Raj Sarit Khare, Advocates for Intervenor

**ORDER**

**03.02.2023:** This Appeal has been filed against the Order dated 20<sup>th</sup> December, 2022 passed by the Adjudicating Authority by which Section 7 Application was revived due to non-payment of balance amount.

2. Learned Counsel for the Appellant as well as Learned Counsel for the Bank-Financial Creditor submits that a further consent terms has been arrived on 28<sup>th</sup> January, 2023 and the said consent terms are to be filed before the Adjudicating Authority where the matter is pending. It is submitted that now the

Application has to be filed under Section 12-A of the IBC before the Adjudicating Authority.

3. In view of the aforesaid, we see no reason to keep this Appeal pending. Let parties file Section 12-A Application which may be disposed of by the Adjudicating Authority in accordance with law.

4. In view of the facts of the present case, we are of the view that Impugned Order be kept in abeyance till the order is passed in Section 12-A. The Appeal is disposed of, accordingly.

**[Justice Ashok Bhushan]  
Chairperson**

**[Barun Mitra]  
Member (Technical)**

Basant/nn