

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 692 of 2023

IN THE MATTER OF:

Neeta Saha

...Appellant

Versus

Assets Care & Reconstruction Enterprise Ltd.

...Respondent

With

Company Appeal (AT) (Insolvency) No. 693 of 2023

IN THE MATTER OF:

Aunirban Saha

...Appellant

Versus

Assets Care & Reconstruction Enterprise Ltd.

...Respondent

Present:

For Appellant : Mr. Rajat Bharadwaj, Mr. Kaushik Raj, Sonum Kar, Mr. Yogesh, Advocates

For Respondents :

ORDER

30.05.2023 These Appeals have been filed against the Order dated 10th April, 2023 by which the Adjudicating Authority on an Application under Section 95 of the Code filed by the Financial Creditor has appointed Resolution Professional and directed the Professional to give a report to the Financial Creditor as well as Personal Guarantor.

2. Learned Counsel for the Appellant submits that no Application under Section 95 was served on the Appellant. He has further referred to Order dated 10.02.2023 of the Adjudicating Authority and submits that in pursuance of the said order also no service was effected on the Appellant. He submits that he could not appear before the Adjudicating Authority due to aforesaid and

also could not bring into the notice of the Adjudicating Authority, the NoC which was given by the Financial Creditor dated 30th December, 2022.

3. From the order impugned, it does appear that Adjudicating Authority has fixed 14th June, 2023 for further consideration. We are of the view that ends of justice will be served in giving an opportunity to the Appellant to file an objection before the Adjudicating Authority on or before 14th June, 2023 which may be considered by the Adjudicating Authority while proceeding further in the matter. Issuing notice to the Respondent and keeping the Appeal pending shall result further delay in matter. In view of the aforesaid, we permit the Appellant to file an objection, it shall be open for the Adjudicating Authority to proceed further after considering objections of the Appellant.

4. With these observations, the Appeals are disposed of. In view of the fact that we have permitted the Appellant to file an objection, IRP shall not submit any report in the meantime. We make it clear that we are not expressing any opinion on merit.

**[Justice Ashok Bhushan]
Chairperson**

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

Basant B/nn