

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

Company Appeal (AT) (Insolvency) No. 631 of 2023

(Arising out of Order dated 10.05.2023 passed by the Adjudicating Authority (National Company Law Tribunal), New Delhi, Special Bench in Company Petition No. (IB)-264(PB)/2023)

IN THE MATTER OF:

Accipiter Investments Aircraft 2 Ltd. Appellant

Vs

Interim Resolution Professional of
Go Airlines (India) Ltd., Abhilash Lal Respondent

With

Company Appeal (AT) (Insolvency) No. 633 of 2023

IN THE MATTER OF:

Eos Aviation 12 (Ireland) Ltd. Appellant

Vs

Interim Resolution Professional of
Go Airlines (India) Ltd., Abhilash Lal Respondent

Present:

**For Appellant: Sr. Advocate Satvik Varma, Ankur Mahindro,
Rohan Taneja, Aditya Kapoor, Tanveer Oberoi,
Tushar Mudgil, Mehul Jain, Advocates**

**For Respondent: Mr. Ramji Srinivasan, Sr. Advocate with Mr.
Ramakant Rai, Mr. Somesh Srivastava, Mr. Varun
Tikmani, Ms. Shruti Pandey, Ms. Namrata Saraogi,
Advocates**

With

Company Appeal (AT) (Insolvency) No. 649 of 2023

IN THE MATTER OF:

ACG Aircraft Leasing Ireland Ltd. Appellant

Vs

Go Airlines (India) Ltd., through the
Interim Resolution Professional,
Abhilash Lal Respondent

Present:

For Appellant: Mr. Nitin Sarin, Advocate

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For Respondents: Mr. Ramji Srinivasan, Sr. Advocate with Mr. Ramakant Rai, Mr. Varun Kumar Tikmani, Mr. Somesh Srivastava, Ms. Dhrishti Kanshik, Mr. Ravin Kapoor, Ms. Shruti Pandey, Ms. Namrata Saraogi, Advocates for RP

ORDER

ASHOK BHUSHAN, J.

These three Appeal(s) have been filed against the judgment and order dated 10.05.2023 passed by the National Company Law Tribunal, New Delhi Special Bench, admitting Section 10 Application filed by Corporate Applicant - Go Airlines (India) Limited (Respondent herein).

2. The facts and submissions raised in these Appeal(s) are same as has been considered and decided by our judgment and order dated 22nd May, 2023 in Company Appeal (AT) (Insolvency) No. 593 of 2023 (and other connected Appeals) – SMBC Aviation Capital Ltd. vs. Interim Resolution Professional of Go Airlines (India) Ltd., Abhilash Lal. These Appeal(s) also deserve to be decided in the same terms as per our judgment dated 22nd May, 2023 passed in the above Appeal(s).

3. In the result, these Appeal(s) are also disposed of in the same terms, i.e. in following manner:

- (1) The order dated 10.05.2023 admitting Section 10 Application is upheld.
- (2) The Appellant(s) are at liberty to file an appropriate Application under Section 65 of the Code with appropriate pleadings and

material and Adjudicating Authority while considering the said Application shall not be influenced by any observations made in this order.

- (3) The Appellant(s) as well as IRP are at liberty to make appropriate Application before the Adjudicating Authority for declaration with regard to applicability of the moratorium on the aircrafts with regard to which Leases in favour of the Corporate Applicant were terminated prior to admission of Section 10 Application, which Application need to be considered and decided by the Adjudicating Authority in accordance with law.
- (4) The Appellant(s) and the IRP are also at liberty to make an appropriate Application under Section 60, sub-section (5) with regard to claim of possession and other respective claims of both the parties relating to the aircrafts in question, which need to be decided by the Adjudicating Authority in accordance with law.

Parties shall bear their own costs.

**[Justice Ashok Bhushan]
Chairperson**

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

NEW DELHI

24th May, 2023

Ashwani

*Company Appeal (AT) (Insolvency) Nos.631,
633 & 649 of 2023*