

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

Company Appeal (AT) (Insolvency) No. 532 of 2023

IN THE MATTER OF:

Dalian Huarui Heavy Industry International Co. Ltd.

...Appellant

Versus

**Dhiren Shantilal Shah,
RP Tuticorin Coal Terminal Pvt. Ltd. & Anr.**

...Respondents

Present:

For Appellant: Mr. Akshay Sapre, Mr. Vinam Gupta, Mr. Aamir Siraj, Advocates

For Respondent: Mr. Bishwajit Dubey, Mr. Madhav Kanoria, Mr. Praful Goyal, Advocates for CoC
Mr. Nitesh Jain, Mr. Vatsal Chandra, Advocates for RP

ORDER

04.05.2023: This Appeal has been filed against the Order dated 15th March, 2023 passed in I.A. No. 1255 of 2020.

2. A perusal of the Order indicates that the Adjudicating Authority has directed the parties to file evidence and permitted them to raise the submissions but the Order does not indicate that any expression of opinion has been given by the Adjudicating Authority.

3. Learned Counsel for the Respondent has pointed out to the earlier Order passed by this Tribunal on 21.10.2022 in Company Appeal (AT) Ins. No. 589 of

2022 filed by the Appellant himself wherein paragraph 12, following observations were made:

“12. We are of view that for the said issue, the Application filed by the Appellant being I.A. No. 1255/2020 is already pending consideration before the Adjudicating Authority and has not yet been decided on merits, hence it is not necessary for us to make any observation. The contentions of both the parties with regard to the merits of Application No. 1255/2020 are left open and it is open for the parties to make their submissions before the Adjudicating Authority.”

4. The Adjudicating Authority has yet to take a decision on I.A. No. 1255 of 2020. Application being still pending and all the contention of the parties are still open to be canvassed before the Adjudicating Authority, we see no reason to entertain this Appeal, at this stage.

With these observations, the Appeal is dismissed.

**[Justice Ashok Bhushan]
Chairperson**

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

Basant/nn