

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Comp. App. (AT) (Ins) No. 2028 of 2024

IN THE MATTER OF:

Amish Chandrakant Pandya

...Appellant(s)

Versus

STCI Finance Ltd. & Anr.

...Respondent(s)

Present:

For Appellant : Mr. Sunil Fernandes, Sr. Advocate with Mr. Milan Singh Negi, Mr. Ashish Pyasi, Ms. Diksha Dadu, Ms. Aakriti Gupta, Advocates.

For Respondents : Ms. Ferzana Behramkamdin, Ms. Surekha Raman, Ms. Kalyani Deshmukh, Mr. Yashwant Sanjenbam, Advocates for R-1.

O R D E R
(Hybrid Mode)

07.11.2024: Ld. Counsel for the Appellant submits that another matter which was filed by Respondent on almost same facts in the same NCLT Section 7 application was rejected and STCI finance has already filed an appeal CA (AT) (Ins) No. 1873/2024 in which notices have been issued on 30.09.2024 by this Tribunal. He submits that in the present case the application filed by the STCI Finance Ltd. has been admitted.

Ld. Counsel for the Appellant submits that application was barred by Section 10A which was the ground taken for rejecting the another application filed by STCI Finance which relates to CA (AT) (Ins) No. 1873 of 2024.

Counsel for the Respondent submits that the date of default was 01.01.2020 hence it was clearly out of 10 A period and the application has rightly been admitted by the Adjudicating Authority.

List this appeal on **21.11.2024** along with CA (AT) (Ins) No. 1873 of 2024. Reply if any be filed before the date fixed.

Till the next date IRP shall continue to collate the claims and run the corporate debtor as a going concern however, shall not constitute the CoC.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

[Arun Baroka]
Member (Technical)

sr/nn