

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 205 of 2018**

**IN THE MATTER OF:**

**Himatsingka Auto Enterprises**

**...Appellant**

**Versus**

**Himatsingka Resorts Pvt. Ltd. & Anr.**

**...Respondents**

**Present:**

**For Appellant :**           **Ms. Varsha Banerjee, Mr. Milan Singh Negi,  
Mr. Kunal Godhwani and Ms. Juhi Bhambani,  
Advocates**

**For 1<sup>st</sup> Respondent :**   **Mr. Omar Hoda, Advocate**

**ORDER**

**14.05.2018**       Learned counsel appearing on behalf of the appellant submits that the dispute between the erstwhile promotor cannot be taken into consideration in an application under Section 7 of the Insolvency and Bankruptcy Code, 2016. There being admitted 'debt and default' insofar it relates to the appellant viz-a-viz the Corporate Debtor, the Adjudicating Authority was bound to admit the application filed under Section 7 and Form 1 being complete.

Let notice be issued on respondents. Mr. Omar Hoda, Advocate accepts notice on behalf of 1<sup>st</sup> Respondent. No further notice need be issued on it. He may file reply-affidavit within ten days. Rejoinder, if any, may be filed by the appellant within a week thereof.

Though 2<sup>nd</sup> Respondent is a proforma respondent, let notice be issued on it by Speed Post. Requisite alongwith process fee be filed by 15<sup>th</sup> May, 2018.

Post the case for 'admission' on 29<sup>th</sup> May, 2018.

[Justice S.J. Mukhopadhaya]  
Chairperson

[ Justice Bansi Lal Bhat ]  
Member (Judicial)

/ns/uk