

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 1202 of 2019

IN THE MATTER OF:

M. S. Luvish Construction Pvt. Ltd. & Ors.

...Appellants

Vs

Rohit Sehgal

....Respondent

Present:

**For Appellants: Mr. Naresh Jain, Mr. Manu Jain, Mr. Alok Kumar
and Ms. Smriti Sahay, Advocates.**

For Respondent:

O R D E R

11.11.2019: Learned counsel for the Appellant submits that 1st Appellant – ‘M/s M. S. Luvish Construction Pvt. Ltd.’ is the landlord on which the Corporate Debtor is on rent. The rest of the Appellants are three Directors and one sister concern of the 1st Appellant – ‘M/s M. S. Luvish Construction Pvt. Ltd.’. The grievance of the Appellants is against the order passed in CA-1776(PB)/2019 (actually CA-1176(PB)/2019) on the petition filed by the Resolution Professional, which reads as follows:-

“CA-1776(PB)/2019

Reply by non applicant-respondent No.4 to 8 has been filed but they have not disclosed the entry in the Bank account in order to effectively adjudicate on the issue raised in the application. The non applicant-respondent – 4 to 8 shall file the Bank account statement within ten days with a copy in advance to the counsel for the RP. Non applicant-respondent

No. 1 to 3 may also file their reply with a copy in advance to the counsel for the RP.

List for further consideration on 31.10.2019.”

2. It is submitted that the Adjudicating Authority has not considered the question of maintainability of the application filed by the Resolution Professional. However, we are not inclined to make any observation on this as the matter is pending for further consideration before the Adjudicating Authority. The Appellants may raise all the issues before the Adjudicating Authority, who will consider the same while deciding the same on the merit. The appeal is disposed of with aforesaid observations. No costs.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Venugopal M.]
Member (Judicial)

[Justice Jarat Kumar Jain]
Member (Judicial)

am/gc