

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 1st Respondent : **Mr. Omar Hoda, Advocate**

O R D E R

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 1st 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 2nd Respondent is a proforma respondent, let notice be issued on it by Speed Post. Requisite alongwith process fee be filed by 15th May, 2018.

Post the case for 'admission' on 29th May, 2018.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansilal Bhat]
Member (Judicial)

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