

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 35 of 2019

IN THE MATTER OF:

Anil Kumar Tulsiani

...Appellant

Versus

Rakesh Kumar Gupta & Anr.

...Respondents

Present:

For Appellant :

**Mr. Virendra Ganda, Senior Advocate assisted by
Mr. Simran Jyot Singh, Mr. Jitendra Chaudhary, Ms.
Shally Khanna, Mr. Anand Singh, Ms. Shilpa Chohan
and Mr. Vishal Ganda, Advocates**

For Respondents :

**Mr. Mayank Goel and Mr. Maramshel, Advocates for
1st & 2nd Respondent
Mr. Abhishek Anand, Advocate for IRP
Mr. Anil Kumar Jain, IRP**

O R D E R

10.01.2019 Learned Senior Counsel for the appellant submits that the respondent do not come within the term 'financial creditor' qua 'corporate debtor'. The Adjudicating Authority without deciding the aforesaid issue has admitted the application under Section 7 of the I&B Code. In the meantime, the parties have settled the claim.

Issue Notice on the respondents.

Mr. Mayank Goel, Advocate accepts notice on behalf of 1st and 2nd Respondent. Mr. Abhishek Anand, Advocate accepts notice on behalf of Interim Resolution Professional. They are allowed a weeks' time to file reply-affidavit. Rejoinder, if any, may be filed by the appellant within a week thereof.

Post the case 'for orders' on 22nd January, 2019. The appeal may be disposed of on the next date.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/sk/