

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 36 of 2019

IN THE MATTER OF:

Anil Goel

...Appellant

Versus

21 Capital PCC

...Respondent

Present:

For Appellant : **Ms. Shivani Kadam and Mr. Kinshuk Chatterjee,**
Advocates

For Respondent : **Ms. Kiran Sharma, Company Secretary**

O R D E R

10.01.2019 The question arises for consideration in this appeal is whether in the facts and circumstances of the case, withdrawal of 'resolution plan' by the 'proposed successful resolution applicant' gives rise to refund of the earnest money deposit (EMD) of Rs. 3.5 crores.

Let notice be issued on the respondent.

Ms. Kiran Sharma, Company Secretary appears on behalf of respondent 'Resolution Applicant', who had withdrawn the 'resolution plan' a day prior to the meeting of the 'Committee of Creditors'. She is allowed ten days' time to file reply-affidavit along with Vakalatnama. Rejoinder, if any, may be filed by the appellant within a week thereof.

Post the case 'for Admission (After Notice)' on 11th February, 2019.

Until further orders, the operation of the impugned order dated 26th November, 2018 passed by the Adjudicating Authority (National Company Law

Tribunal) Mumbai Bench, Mumbai so far it relates to withdrawal of the Earnest Money of Rs. 3.5 Crores shall remain stayed.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)

/ns/sk/