

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 32 of 2019

IN THE MATTER OF:

Mr. T. Johnson

...Appellant

Vs.

Phoenix ARC Pvt. Ltd. & Anr.

...Respondents

Present: For Appellant: -Mr. Amit S. Chadha, Senior Advocate with Mr. S.C. Das, Mr. Pushkar Sood, Mr. Sahil Mongla and Ms. Srishti Govil, Advocates.

For Respondents: - Mr. Saaransh Parashar, Advocate.

O R D E R

23.01.2019— Learned counsel for the Appellant submits that the claim being time barred and there is no debt payable in law. This issue has not been properly considered by the Adjudicating Authority (National Company Law Tribunal).

Let notice be issued on Respondent by speed post. Requisite along with process fee, if not filed, be filed by 24th January, 2019. If the Appellant provides the e-mail address of Respondent, let notice be also issued through e-mail.

Post the case 'for admission' on 25th February, 2019.

In the meantime, the 'Interim Resolution Professional' will ensure that the company remains on-going and will take assistance of the

Contd/-.....

respective (suspended) Board of Directors and individual Director. The person who is authorised to sign the bank cheques may issue cheques but only after authorization of the 'Interim Resolution Professional'. The bank account(s) of the 'Corporate Debtor' be allowed to be operated for day-to-day functioning of the company such as for payment of current bills of the suppliers, salaries and wages of the employees'/workmen electricity bills etc. All the Officers and Directors will perform their respective duties.

(Justice S.J. Mukhopadhaya)
Chairperson

(Justice Bansi Lal Bhat)
Member(Judicial)

Ar/uk