

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 645 of 2019

IN THE MATTER OF:

Manoj Kumar Appellant

Vs

Ample Infrastructure Pvt. Ltd. & Anr. Respondents

Present:

For Appellant: Mr. Shambo Nandi, Advocate.

For Respondents: Mr. Raghavendra M. Bajaj and Mr. Sanskar Agarwal, Advocate for Respondent No.1.

Mr. Saurabh Kalia, Advocate for IRP.

Mr. Pavan Bhushan and Mr. Tushar Bhushan, Advocates for Intervener.

Mr. Rajmangal Kumar, Advocate for Intervener Dr. Akanksha Aggarwal.

Mr. Anjaneya Singh – Intervener.

Mr. Jwala.Upaluri – Intervener (I.A. No.2142 of 2019)

ORDER

09.07.2019 Heard Mr. Shambo Nandi, learned Counsel for the Appellant. The Appellant has not filed affidavit as directed on 3rd July, 2019. Counsel for the Appellant states that he will file the affidavit today in the Registry.

Learned Counsel for 'Interim Resolution Professional' (I.R.P.) Mr. Saurabh Kalia, submits that in spite of directions dated 19th June, 2019, the Board of Directors are not co-operating with the I.R.P. and they are not sharing information and documents. He states that I.R.P. is taking up the issue with the Adjudicating Authority. The learned Counsel for the Appellant submits that he is representing only one Director and there is dispute between the Directors and even a company petition is pending. In spite of

making such a statement, learned Counsel for the Appellant still wants to claim that the Appellant is trying to compromise the dispute with the 'Financial Creditor', who moved an application under Section 7.

Noticed that there are many 'Interveners'-'Financial Creditors'/Allottees, who have come forward raising various grievances.

'Interim Resolution Professional' may take up the issue of non-cooperation by the Directors of suspended Board and pendency of this Appeal will not come in the way of Adjudicating Authority to take suitable steps to assure I.R.P. has control and management of 'Corporate Debtor' as per Section 17 of I&B Code.

Considering the above factors, list the present matter 'for orders' on **26th July, 2019**. The Appeal may be disposed of on the next date.

[Justice A.I.S. Cheema]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)