

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. Arijit Mazumdar, Mr. Shambo Nandy and
Mr. Akshay Chandna, Advocates.**

**For Respondents: Mr. Sanskar Agarwal and Ms. Akanksha Kaul,
Advocates for R-1.**

ORDER

19.06.2019: Application under Section 7 of the I&B Code filed by 'M/s Ample Infrastructure Pvt. Ltd.' having admitted by impugned order dated 27th May, 2019, the Director of 'M/s Intellicity Business Park Pvt. Ltd.' (Corporate Debtor) has filed this appeal.

Learned counsel appearing on behalf of the Appellant submits that the parties have settled the matter on 18th June, 2019 and the Committee of Creditors have not yet been constituted.

Ms. Akanksha Kaul, Advocate appears on behalf of the 1st Respondent (Financial Creditor). She accepts that the parties have reached settlement yesterday and Committee of Creditors have not yet been constituted.

In the circumstance, we issue notice on 2nd Respondent (Resolution Professional). Requisites alongwith process fee be filed by tomorrow. If the Appellant provides email address of the 2nd Respondent, let notice be also issued

through email. Learned counsel for the Appellant will serve a copy of this order alongwith paper book on Resolution Professional and ask him to appear on the next date and file reply affidavit within a week. 1st Respondent may also file reply affidavit with same time.

Post the case 'for orders' on **3rd July, 2019**. The appeal may be disposed of on the next date.

Until further order, the Resolution Professional will not constitute the Committee of Creditors and will ensure that the company remains going concern and will take assistance of the (suspended) Board of Directors. The persons who are working will perform their duties including the paid Directors. The person who is authorised to sign the bank cheques may issue cheques only after authorisation 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.

[Justice S. J. Mukhopadhaya]
Chairperson

[Justice Bansi Lal Bhat]
Member (Judicial)