

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Ins.) No. 1020 of 2020

IN THE MATTER OF:

M/s. Solutions Business Centre LLP

D-2, Lower Ground Floor, Southern Park,
Saket, New Delhi- 110017

...Appellant.

Versus

1. Renu Kumar

Ro A-10/7. Vasant Kunj,
New Delhi – 110057

2. Rajit Kumar

Ro A-10/7. Vasant Kunj,
New Delhi – 110057

3. Mr. Abhishek Dutta,

RP for M/s. Solutions Business Center Pvt. Ltd.

IBBI/IPA-002/IP-N00617/2018-19/11856
Aureus Law Partners, S-151, 1st Floor,
Greater Kailash – II, New Delhi - 110048

...Respondents.

Present:

**For Appellant: Mr. Raja Chatterjee and Mr. Piyush Sachdev,
Advocates.**

**For Respondent: Ms. Haripriya Padmanabha, Ms. Pooja Dhar,
Advocates for R-1&R-2.**

**Mr. Abhishek Dutta, Syli Petiwale and
Astha Srivastava, Advocates for R-3 (RP)**

**ORDER
(Virtual Mode)**

16.04.2021

Heard.

2. This Appeal has been filed against Order passed in I.A. No. 3218, 1248/2020 in IB-475/ND/2018. The Order reads as under:

“IA No. 1248/2020:

Learned Counsel Mr. Chatterjee states that reply has been filed on 26.10.2020 which has not come on Court file. RoC was directed to file Reply with respect to the issue raised in this application on 18th September, 2019. Though, this application was filed later but the issue was already agitated. ROC has filed reply with respect to the issue in this application in CA No. 297/2019 which will be referred. The same reply has also been filed by ROC in CA No. 196/2019. At this stage, when hearing argument, it is required and hence, the following person are directed to remain present on the next date of hearing being Ex.-Directors Mr. Ajay Vij, Ms. Parul Khurana and Partners of LLP Mr. Naveen Gambhir, Neeraj Gambhir, Mr. Pankaj Gambhir, Ms. Shaloo Gambhir, Ms. Geeta Gambhir, Ms. Lovleen Gambhir.

IA No. 3218/2020:

Application filed by Liquidator.

List both the applications on 24.11.2020.”

(Emphasis Supplied)

3. It is stated that Corporate Insolvency Resolution Process was initiated against the Company. It is stated, there is dispute with regard to the Company being converted into LLP and in that context, the Adjudicating Authority had called the persons. The I.A. concerned is yet to be decided.

4. If in a matter, the Adjudicating Authority finds it necessary to hear the particular side or particular person in order to give them opportunity to respond, it is more appropriate to give option to the concerned parties/person to appear in person or through Advocate.

5. It is stated that the disputes with regard to how LLP was formed, are still being considered by the Adjudicating Authority.

6. It not being Criminal Case or Contempt Proceeding we would only modify the portion of Impugned Order emphasized above with underline in Impugned Order to say that “the following persons (who are part of the Appellant) to remain present in person or through Advocate on the next date of hearing”

With such modification, we dispose of the Appeal.

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

[Dr. Alok Srivastava]
Member (Technical)

Basant B./md.