

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Company Appeal (AT) (Insolvency) No. 139 of 2021**

In the matter of:

Abhimanyu Mittal

....Appellant

Vs.

Pankaj Aggarwal & Ors.

....Respondents

Present:

Appellant: Mr. Siddharth Banthia, Advocate.

Respondents:

ORDER

(Through Virtual Mode)

02.03.2021: I.A No. 2405/ 2020 clubbed with I.A. No.43 of 2021 in company matter IB-1587/ND/2019 pending consideration before the Adjudicating Authority (National Company Law Tribunal), New Delhi, Court-V, came to be dismissed in terms of the impugned order dated 14th January, 2021 on the ground that the learned counsel representing the Resolution Professional was not conversant with the facts stated in the application. This is assailed by Resolution Professional in appeal as being unsustainable.

2. We have heard Mr. Siddharth Banthia, Advocate representing the Appellant- Resolution Professional. From tone and tenor of the impugned order insofar as the same relates to IA. No. 2405 of 2020, it emerges that the

Contd/-.....

Adjudicating Authority has not addressed the application on merit as learned counsel representing the Resolution Professional was either unprepared or failed to project the grievance as averred in the application. Be that as it may, there being no adjudication on merit, this appeal is not maintainable.

3. We accordingly dismiss the appeal. However, dismissal of this appeal as also passing of impugned order will not preclude the Appellant- Resolution Professional from filing a properly constituted fresh application in respect of the same subject and cause of action, if so advised, within one week.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

AR/g