

NATIONAL COMPANY LAW APPELLATE TRIBUNAL

NEW DELHI

Company Appeal (AT) (INS) No.618 of 2019

IN THE MATTER OF:

G.R.K. Reddy

...Appellant

Versus

ICICI Bank & Ors.

...Respondents

For Appellant:

Shri Virender Ganda, Sr. Advocate with Shri Nithin Pavoluri and Shri Avander Mitra, Advocates

For Respondent:

Shri D. Sreenivasan, Advocate (Respondent No.1)

O R D E R

06.06.2019 Heard Counsel for the Appellant, the Ex- Managing Director and Promoter as well as shareholder of Respondent No.2 – Corporate Debtor. Heard Advocate Shri D. Sreenivasan for Respondent No.1 – ICICI Bank – the Financial Creditor who initiated the Section 7 proceeding, which has been admitted.

It is stated that when Section 7 proceeding was filed, parties started making efforts at that time itself to compromise but could not reach the final stage of settlement and in the meanwhile, the Section 7 proceeding got admitted. Both the learned Counsel state that the parties are still serious about settling their disputes and the talks are going on.

Issue Notice. Requisite along with process fee, if not filed, be filed by 7th June, 2019. If the Appellants provides the e-mail address of Respondents, let notice be also issued through e-mail.

Counsel has already appeared for Respondent No.1 and so service of Notice on Respondent No.1 is dispensed with. Notice be **served to the Respondent No.2** through IRP.

Respondent No.3 is stated to be Company which had given collateral in favour of the Appellant and Respondent No.1 is stated to be another co-promoter. **At present, Notice may not be issued to Respondent Nos. 3 and 4.**

Committee of Creditors, if not yet constituted, may not be constituted till next date. In the meantime, Interim Resolution Professional (IRP) will ensure that the company remains going concern and the manufacturing and production of the company do not suffer, payment of wages to the employees/workmen are made on time and if any material is supplied during corporate insolvency resolution process, the payment must be paid to the supplier/creditor. The Interim Resolution Professional will also take aid of (suspended) Board of Directors, paid Directors and employees. The Banks having accounts of the corporate debtor will also cooperate with the Interim Resolution Professional to ensure compliance of this order.

The pendency of this Appeal will not come in the way of the parties settling their dispute.

List on 12th July, 2019.

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

[Kanthi Narahari]
Member (Technical)

/rs/gc