

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 3248/2020

KANAKABHA RAY

APPELLANT(S)

VERSUS

NARAYAN CHANDRA SAHA & ORS.

RESPONDENT(S)

O R D E R

1. Heard learned counsel for the parties.
2. We are not inclined to interfere with the impugned decision dated 18.08.2020 passed by the National Company Law Appellate Tribunal, New Delhi in Company Appeal (AT) (Insolvency) No.687 of 2020.
3. However, it is made clear that none of the observations made by the National Company Law Tribunal or National Company Law Appellate Tribunal, as the case may be, which unwittingly reflects on the conduct or character of the appellant, shall be taken as final observation. In other words, dismissal of this appeal will be no reflection on the character and conduct of the appellant as such.

4. We were informed by the learned senior

counsel appearing for respondent No.1/caveator that the Committee of Creditors of the Company has already acted upon the impugned decision by appointing a new Resolution Professional. That is an additional reason for disposing of this appeal whilst leaving all contentions raised by the appellant open.

5. If the appellant has any claim against the company in respect of his professional fees or expenses, he is free to make a formal application in that behalf to the Tribunal, which shall be considered on its own merits in accordance with law.

6. Besides this, nothing more is required to be stated in this order.

7. The appeal and pending application(s), if any, are disposed of accordingly.

....., J.
(A.M. KHANWILKAR)

....., J.
(B.R. GAVAI)

....., J.
(KRISHNA MURARI)

NEW DELHI
SEPTEMBER 30, 2020

ITEM NO.9 Court 5 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 3248/2020

KANAKABHA RAY

Appellant(s)

VERSUS

NARAYAN CHANDRA SAHA & ORS.

Respondent(s)

(IA No.95703/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT and IA No.95702/2020-STAY APPLICATION

Date : 30-09-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE B.R. GAVAI
HON'BLE MR. JUSTICE KRISHNA MURARI

For Appellant(s) Mr. Krishnaraj Thaker, Adv.
 Mr. Abhishek Thakral, Adv.
 Mrs. Pragya Baghel, AOR

For Respondent(s) Mr. Shyam Divan, Sr. Adv.
 Mr. Santosh Kumar, Adv.
 Mr. Keshav Ranjan, AOR
 Mr. Abhijeet Sinha, Adv.
 Mr. Abhijit Sarkar, Adv.
 Mr. Jishnu Chawdhury, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal and pending application(s), if any,
are disposed of in terms of the signed order.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)