

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,  
PRINCIPAL BENCH, NEW DELHI**

**Company Appeal (AT) (Insolvency) No. 1358 of 2023**

**In the matter of:**

**HDFC Bank Ltd.**

**....Appellant**

**Vs.**

**Mr. Rabindra Kumar Mintri**

**...Respondent**

**Liquidator, International Trenching Pvt. Ltd.**

**For Appellant**

**Mr. Krishnendu Datta, Senior Advocate with Ms. Richa Sandilya, Ms. Neha Agarwal, Ms. Bhavna Vijay, Advocates**

**Ms. Damini, Mr. Amar Vivek, Advocates for erstwhile liquidator.**

**For Respondent**

**Mr. Rachit Mittal, Mr. Rachit Ranjan, Advocate for R1.**

**ORDER**

**12.10.2023:** Learned Senior Counsel for the Appellant has challenged the impugned order only insofar as it appointed the liquidator other than one recommended by the CoC. It is submitted that the IBBI by a General Circular dated 18.07.2023 has directed that the Liquidator be appointed other than Resolution Professional and Interim Resolution Professional. It is submitted that Section 34(4)(b) empowers the Board only with regard to specific Resolution Professional and no general power can be exercised.

2. Learned Counsel for the Appellant seeks liberty to implead the IBBI as Respondent No.2. He is permitted to do so.

3. Learned Counsel accepts notice on behalf of Respondent No.1.

4. Let 'Notice' be issued to newly impleaded Respondent No.2 through 'Speed Post'. Let the requisites together with process fee be filed within three days from today. The Appellant is required to provide the e-mail address of the Respondent and in that mode also, the service can be effected. The Appellant is also required to furnish the Mobile No. of the Respondent to the 'Office of the Registry'.

5. Respondent may file Reply within three weeks. Rejoinder, if any, may be filed within two weeks thereafter. Appellant is permitted to serve IBBI personally also.

6. List the Appeal on 08.11.2023. Looking to the issues raised in this Appeal, Appeal itself may be heard and decided.

In the meantime, any steps taken by the liquidator shall abide by the result of the Appeal.

**[Justice Ashok Bhushan]  
Chairperson**

**[Barun Mitra]  
Member (Technical)**

**[Arun Baroka]  
Member (Technical)**

***Anjali/nn***