

ITEM NO.13

Court 3 (Video Conferencing)

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL Diary No(s).20399/2020

(Arising out of impugned final judgment and order dated 14-08-2020 in CAAT(I) No. 452/2020 passed by the National Company Law Appellate Tribunal)

DINESH KUMAR & ORS.

Appellant(s)

VERSUS

SUSHIL ANSAL & ORS.

Respondent(s)

(IA No.98618/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.98615/2020-EX-PARTE STAY and IA No.99104/2020-INTERVENTION/IMPLEADMENT and IA No.98614/2020-PERMISSION TO FILE APPEAL and IA No.98616/2020-APPROPRIATE ORDERS/DIRECTIONS)

Date : 09-10-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MS. JUSTICE INDU MALHOTRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Aditya Parolia, Adv.
Mr. Piyush Singh, Adv.
Mr. Akshay Srivastava, Adv.
Mr. Nithin Chandran, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Gaurav Goel, AOR

For Respondent(s)

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

- 1 Permission to file the appeal is granted.
- 2 Application for impleadment is allowed.

- 3 Learned counsel appearing on behalf of the appellants submits that relying on the judgment of the National Company Law Appellate Tribunal¹ in **Sushil Ansal v Ashok Tripathi**², the appellants have been removed from the Committee of Creditors. It has been submitted that the National Company Law Tribunal and the NCLAT, being bound by the above decision, the issue as to whether the appellants as decree holders fulfill the norms prescribed for being a part of the Committee of Creditors by virtue of their being financial creditors is required to be resolved.
- 4 Issue notice, including to the newly added respondent, returnable in four weeks.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER

1 NCLAT

2 Company Appeal (AT) (Insolvency) No 452 of 2020