

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 01 of 2018

IN THE MATTER OF:

RBL Bank Ltd.

...Appellant

Vs.

MBL Infrastructures Ltd. & Anr.

...Respondents

Present: For Appellant:- Ms. Sushmita Banerjee, Advocate

O R D E R

04.01.2018— Learned counsel for the appellant is allowed to correct the cause-title of the 1st respondent as 'MBL Infrastructures Ltd. through Resolution Professional'.

The question arises for consideration in this appeal is whether a 'guarantor' of a 'Corporate Debtor', who is not a defaulter, can apply as a 'resolution applicant' for the purpose of submission of the 'resolution plan' and can be held to be not eligible in view of sub-section (c) and (h) of Section 29A of the amended Insolvency and Bankruptcy Code.

Let notice be issued on the respondents by Speed Post. Requisites along with process fee, if not filed, be filed by tomorrow i.e. 5th January, 2018. If the appellant provides the *e-mail* address of respondents, let notice be also issued through *e-mail*.

Post the matter on 25th January, 2018.

In the meantime, if the resolution plan is approved, the respondents will not execute the same without prior permission of the Appellate Tribunal.

(Justice S.J. Mukhopadhaya)
Chairperson