

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, CHENNAI**  
**(APPELLATE JURISDICTION)**

**Company Appeal (AT) (CH) (Ins) No.49 of 2021**

**(Under Section 61 of the Insolvency and Bankruptcy Code 2016)**

**[Appeal arising out of the Impugned Order dated 18.03.2021, passed in IA/74/2021  
in CP/508/IB/2017), passed by the Adjudicating Authority, National Company Law Tribunal, Division  
Bench-1, Chennai]**

**In the matter of:**

1. Startree Retailors Private Limited,  
Having its registered office at 217, A.J.C.  
Bose Road, Ground Floor, Wing A,  
Kolkata- 700017, West Bengal, India.

...APPELLANT

**V/s.**

1. Mr. Anil Kumar Birla,  
Liquidator of Ennore Coke Limited,  
“Maheshwari & Associates”, Chartered Accountants,  
“Park Plaza”, 1<sup>st</sup> Floor, No. 1 Park Road,  
Bangalore- 560051,  
also at C/o. Sumedha Management Solutions Private Limited,  
Ideal Plaza, S-405, 4<sup>th</sup> Floor,  
11/1 Sarat Bose Road, Kolkata- 700020, India.

...RESPONDENT 1

2. M/s. Linkstar Infosys Private Limited,  
(Through Mr. Dixit PrajapatiHimmatlal, Director),  
9/C, Vardan Exclusive, Near Vitthalbhai Patel Colony,  
Near LakhudiTalavadi, Navrangpura, Ahmedabad,  
Gujarat- 380014, India.

...RESPONDENT 2

3 Mahalaxmi Wellman Fuel LLP,  
(Through Mr. Naveen Kumar Gupta, Director),  
5<sup>th</sup> Floor, Cube Building G.S. Road, Christiam Basti,  
Guwahati, Kamrupm Assam- 781005, India.

...RESPONDENT 3

**Present:**

For Appellant : Mr. R.Sudipto Sarkar, Sr Counsel,  
For Shardul Amarchand Mangaldas & Co.  
Advocates.

For Respondent No.3: M/s.S. Karunamoorthy (Caveator)

**Order**  
**(Virtual Mode)**

Heard Mr. R.Sudipto Sarkar, Learned Senior Counsel for the Appellant. At this stage, for Respondent No.3, Mr.S. Karunamoorthy, Learned Counsel for 3<sup>rd</sup>

Respondent (Caveator) appears and prays for time to file Reply/Response/Counter and is permitted to file Reply/Response/Counter of R3 by 04.06.2021, of course, after serving the copy of the same to the Learned Counsel for the Appellant [not only through e-filing but also through Hard Copy], well in advance before the next date of Hearing.

Soon after the receipt of the copy of the Reply/Response/Counter of Respondent No.3 it is open to the Appellant side to file 'Rejoinder', if any, within three days thereafter.

It is open to the Learned Counsel for the Appellant and also the Learned Counsel for the Respondent No.3 to file 'Notes of Submissions' together with citations, if any, containing not more than three pages and the copy of the same, shall be exchanged between the parties, before the next date of Hearing.

Let Notice be issued to the Respondent Nos.1 and 2 through 'Speed Post' returnable by 09.06.2021. Let the requisite together with 'Process Fee' to be filed within three days from today. If the Appellant provides e-mail address of the Respondent, then, on that mode also, the service may be effected upon the Respondent. If the Appellant provides Mobile No(s) of the Respondent, the same shall be taken note of by the 'Registry' for proceeding further.

In the event of Learned Counsel for the Appellant providing the mobile No(s) of the Respondent, then, the same may be taken note of by the 'Office of the Registry'.

The 'Office of the Registry' is directed to List the matter on 09.06.2021.

***[Justice Venugopal M]  
Member (Judicial)***

***[V.P. Singh]  
Member (Technical)***

**30.04.2021  
SE**