

**THE NATIONAL COMPANY LAW APPELLATE TRIBUNAL**  
**NEW DELHI**

**Un-numbered Company Appeal (AT) (Insolvency) No. \_\_\_/2018**  
**(F.No.29/06/2018/ NCLAT/UR/547)**

**In the matter of:**

Mahaan Proteins Ltd. .... Appellant/Corporate Debtor  
(Through its promoter/ Shareholder)

Versus

M/s. Vertex Chemicals & Ors. .... Respondents

Appearance: Ms. Deepa Kulkarni, Advocate for the Appellant.

**16.07.2018**

The aforesaid Appeal under Section 61 of the I&B Code, 2016 (hereinafter referred to as the Code) is against the order dated 23.01.2018 in CP No.(IB)-103(PB)/2017 of the Hon'ble NCLT, New Delhi Principal Bench.

2. The Office after scrutiny of the Memo of Appeal, pointed out the defects and according to the report of the Office, the Appellant has removed seven defects out of eight, but so far defect No.7 pointed out by the Office is concerned, the Appellant has not cured that defect, rather, the Appellant filed an application, which is at page 119 of the Memo of Appeal, in which it has been stated that since he was the suspended Member of the Board of Directors by virtue of the liquidation proceedings commenced against the Appellant Company/ Corporate Debtor and that is the reason no Power of attorney can be placed on record.

3. Heard learned lawyer appearing for the Appellant and perused the Office notes. Learned lawyer appearing for the Appellant submitted that the Appellant has filed this Appeal in the capacity of promoter/ shareholder of the Appellant Company/ Corporate Debtor and not in the capacity of Director because the Board of Director has already been

suspended. She further submitted that since Board of Director has already been suspended, so the question of filing Power of Attorney or issue of Authorisation Letter in this case is not possible and that is the reason, the Appellant filed this Appeal not in the capacity of one of the Director, rather in the capacity of promoter/ shareholder. She further submitted that she has also made necessary corrections/ amendments in the Cause Title portion of the Memo of Appeal and the first page of the Cause Title of the Memo of Appeal has been substituted by the old one, which shows that the Appellant has filed this Appeal in the capacity of promoter/ shareholder and not in the capacity of Director. So defect No.7 pointed out by the Office may be treated to be cured.

4. Considering the submissions and the report of the Office as well as the application filed on behalf of the Appellant, I find that the Appellant has filed this Appeal in the capacity of promoter/ shareholder and not in the capacity of Board of Director, which has already been suspended earlier. So, defect No.7 pointed out by the Office is hereby ignored.

The Appeal is ordered to be listed before the Bench on 17.07.2018 for admission.

(Abni Ranjan Kumar Sinha)  
Registrar

Dictated and corrected by me.

(Abni Ranjan Kumar Sinha)  
Registrar