

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

Company Appeal (AT) (Ins.) No.328 of 2024

IN THE MATTER OF:

Bhavit Sheth

...Appellant

Versus

**Madan Bajrang Lal Vaishnawa,
IRP of Sporta Technologies Pvt. Ltd. & Anr.**

...Respondents

Present:

For Appellant: Mr. Arun Kathpalia, Sr. Advocate with Ms. Anuja Jhunjhunwala, Mr. Karan Malhotra, Mr. Ayush Pratap Singh, Mr. Parish Mishra, Advocates.

For Respondents: Mr. Abhijeet Sinha, Sr. Advocate with Mr. Anirudh Sinha, Ms. Heena Kochar, Mr. Aishvary Vikram, Mr. Ritvik Bhanot, Advocates with Mr. Madan B. Vaishnawa, IRP for R-1.

ORDER
(Hybrid Mode)

14.02.2024: Learned counsel for the Appellant submits that the application filed by the Operational Creditor was barred by 10A and application for amendment was rejected but the Adjudicating Authority has not considered 10A bar in the impugned order. Learned counsel for the Respondent submits that after filing of the Application under Section 9, the Respondent has also issued fresh notice under Section 8 on 23.01.2023 and had also filed an application for withdrawal of the Section 9 petition to enable the Respondent to file fresh application, on which application no order could be passed. Submission needs scrutiny.

Issue notice. Learned counsel for the Operational Creditor accepts notice. Let notice be issued on Respondent No.1.

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Learned counsel for the Respondent prays for one week time to file an Additional Affidavit.

Learned counsel for the Respondent may file Reply/Additional Affidavit within one week.

List this Appeal on **23.02.2024**.

In the meantime, the order impugned shall remain stayed. No steps, till the next date shall be taken by the IRP in the CIRP.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

[Arun Baroka]
Member (Technical)

Archana/nn