

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 5076/2019

EDELWEISS ASSET RECONSTRUCTION COMPANY LIMITED APPELLANT(S)

VERSUS

TATA CAPITAL FINANCIAL SERVICES LIMITED & ANR. RESPONDENT(S)

O R D E R

1. It is submitted by the learned counsel that certain fraudulent actions have been made by the Resolution Professional. Thus, the continuation of him as a Liquidator cannot be said to be proper.
2. This question that whether Resolution Professional has committed any kind of fraud has not been raised before NCLT or NCLAT, as such we are not inclined to consider it in appeal.
3. However, learned counsel has prayed to raise this question before the NCLT.
4. In case, NCLT is approached and aforesaid question is raised, it shall consider the same in accordance with law.
5. The appeal is, accordingly, disposed of.
6. Pending application(s), if any, shall stand disposed of.

.....J.
[ARUN MISHRA]

.....J.
[M.R. SHAH]

.....J.
[B.R. GAVAI]

NEW DELHI;
AUGUST 21, 2019.

ITEM NO.3

COURT NO.4

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 NO(S). 5076/2019

EDELWEISS ASSET RECONSTRUCTION COMPANY LIMITED APPELLANT(S)

VERSUS

TATA CAPITAL FINANCIAL SERVICES LIMITED & ANR. RESPONDENT(S)

(IA No. 87336/2019 - EX-PARTE STAY
IA No. 87337/2019 - PERMISSION TO PLACE ON RECORD SUBSEQUENT
FACTS)

Date : 21-08-2019 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MR. JUSTICE M.R. SHAH
HON'BLE MR. JUSTICE B.R. GAVAI

For Appellant(s) Mr. Sanjiv Sen, SR. Adv.
Mr. Arjun Krishnan, AOR
Mr. Ankur Singh, Adv.
Mr. Sayan Ray, Adv.
Mr. Kaustav Som, Adv.

For Respondent(s) Mr. Arvind Datar, Sr. Adv.
Mr. Amit Gupta, Adv.
Ms. Mansi Kukreja, Adv.
For M/s. Mitter & Mitter Co.

Mr. Abhishek Anand, Adv.
Mr. Anand A. Pavgil, Adv.
Mr. Tushar Tyagi, Adv.
Mr. Mohak Sharma, Adv.
Mr. Neeraj Kumar Gupta, AOR

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

The appeal is disposed of in terms of the signed order.

(NARENDRA PRASAD)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

(Signed order is placed on the file)