

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
NEW DELHI

Company Appeal (AT) (Insolvency) No. 964 of 2019

IN THE MATTER OF:

**Union of India,
Through Serious Fraud Investigation
Office (SFIO)**

...Appellant

Versus

**Maharashtra Tourism Development
Corporation & Anr.**

...Respondents

WITH

Company Appeal (AT) (Insolvency) No. 965 of 2019

IN THE MATTER OF:

**Union of India,
Through Serious Fraud Investigation
Office (SFIO)**

...Appellant

Versus

Duane Park Pvt. Ltd. & Anr.

...Respondents

Present:

For Appellant :

**Mr. Ashim Sood, CGSC with
Ms. Payal Chandna, Advocate**

For Respondents :

**Mr. Arun Kathpalia, Senior Advocate with
Mr. Eklavya Dwivedi, Advocate**

ORDER

19.09.2019 Having heard learned counsel for the Appellant and being satisfied with the grounds, the delay of 15 days in preferring the appeal - '**Company Appeal (AT) (Ins.) No. 964 of 2019**' and 12 days in '**Company Appeal (AT) (Ins.) No. 964 of 2019**' are hereby condoned.

I.A. Nos. 2918 of 2019 and 2920 of 2019 stand disposed of.

The question arises for consideration in these appeals is as to whether the Adjudicating Authority can direct to make any investigation from 'Serious Fraud Investigation Office' ('SFIO') or through some other agency i.e. Inspector appointed by the Central Government in terms of Section 213 of the Companies Act, 2013 or some other provisions of law or not?

Let notice be issued on the Respondents by Speed Post in both the appeals. Requisites along with process fee, if not filed, be filed by 23rd September, 2019. If the appellant provides the *e-mail* address of Respondents in each appeal, let notice be also issued through *e-mail*.

Post both the appeals 'for orders' on **22nd October, 2019**. The appeals may be disposed of on the next date.

Until further orders, the operation of the impugned orders dated 24th July, 2019 and 26th July, 2019 as impugned in these appeals shall remain stayed, insofar as relates to the direction to 'SFIO' to investigate the matter. Otherwise, the proceedings will continue in accordance with law.

[Justice S.J. Mukhopadhaya]
Chairperson

[Justice A.I.S. Cheema]
Member (Judicial)

[Kanthi Narahari]
Member (Technical)

/ns/sk