

ITEM NO.11 Court 3 (Video Conferencing) SECTION XVII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s).3826/2020

MANSI BRAR FERNANDES

Appellant(s)

VERSUS

SHUBHA SHARMA & ANR.

Respondent(s)

(WITH IA No.122376/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.122375/2020-STAY APPLICATION and IA No.122378/2020-EXEMPTION FROM FILING AFFIDAVIT and IA No.122377/2020-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.122374/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-12-2020 This appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Appellant(s) **Mr. K.V. Viswanathan, Sr. Adv.**
Mr. Sunil Fernandes, AOR.
Mr. Darpan Sachdeva, Adv.
Ms. Nupur Kumar, Adv.
Mr. Prastut Dalvi, Adv.
Mr. Shubham Sharma, Adv

For Respondent(s) **Mr. Shyam Divan, Sr. Adv.**
Mr. Manmeet Singh; Adv.
Mr. Anugrah Robin Frey; Adv.
Ms. Abhilasha Khanna; Adv.
Mr. Akhil Anand, AOR

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

- 1 Issue notice.
- 2 Mr Shyam Divan, Senior Counsel appearing on caveat, with Mr Akhil Anand, Advocate-on-Record, accepts notice.

- 3 Counter affidavit, if any, be filed within a period of four weeks from today.
- 4 List the appeal on 27 January 2021.
- 5 While at this stage, we are not staying the operation of the order of the National Company Law Appellate Tribunal, which has reversed the order of the National Company Law Tribunal, admitting the petition under Section 7 of the Insolvency and Bankruptcy Code 2016, there shall be an *ad-interim* direction to the effect that the finding that the appellant is a speculative investor is confined to the facts of the present case and shall not be treated as a precedent in any other case for the present. Moreover, the correctness of the decision of the NCLAT is in challenge in the present appeal.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER