

**NATIONAL COMPANY LAW TRIBUNAL  
CHANDIGARH BENCH, CHANDIGARH**

**CP (IB) No.40/Chd/Hry/2017**

In the matter of

Horseshoe Entertainment & Hospitality Pvt.Ltd

...Corporate Debtor

Present:: Mr. Akshay Bhan, Sr.Advocate with Ms.Rupal Bhatia, Mr.Sumer Brar, Mr.Saurabh Chaturvedi, Advocates for the petitioner.  
Mr.Anand Chhibbar, Sr.Advocate with Mr.Amit Jamsandekar, Mr.Tarun Vir Lehal, Mr.Dhiraj Mhetre and Ms.Smiti Tewari, Advocates for The Comedy Store, Intervenor.

The Affidavit of Mr.Saurabh Gambhir, Authorised Representative of the petitioner has been filed stating compliance of the previous order of sending notice of this petition to the Financial Creditor Earthwise Hospitality and Entertainment Holdings Pvt. Ltd. Along with this affidavit postal receipt showing the despatch of the copy of the petition and the paper book as at Annexure-B is attached and Annexure-C is the track report of the postal department showing delivery of the item to the addressee on 24.07.2017. Response in writing has been filed on behalf of Earthwise Hospitality and Entertainment Holdings Pvt. Ltd. in the Registry stating therein that Financial Creditor does not oppose the application nor there is any objection to the Company Petition. It



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is further stated in the response that aforesaid Financial Creditor would extend full cooperation as legally permissible or as required as per the procedures, before the Insolvency Resolution Professional, in case the same is appointed.

Comedy Store, a company registered under the law of U.K has filed an application CA No.101/2012 for intervention, copy of which was given to the petitioner's Authorised Representative. The petitioner has filed objections to the application for intervention, copy of which has been supplied to the respondent's counsel. The proposed intervenor has filed application under Section 65 of the Insolvency and Bankruptcy Code, 2016 being CA No.100/2017, copy of which was supplied to the petitioner's counsel only yesterday.

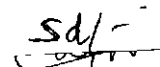
Learned Senior Counsel for the petitioners has vehemently opposed the prayer to allow M/s Comedy Store to intervene on the contention that there is no proper resolution of the Board of Directors of Comedy Store nor the documents relied upon have been duly authenticated. It is further submitted that there is no authority in favour of the person swearing the affidavit. It was further contended that there is non-compliance of various orders

passed by this Tribunal inasmuch as time bound directions for filing objections, if any in the order dated 19.07.2017 have not been complied with.

After hearing counsel for the parties and perusal of the records, I am of the view that all these questions can be kept open to be decided on merits of the matter. Notice of the objections application to the counsel for the petitioner.

List the matter for arguments on 03.08.2017. Reply to the objections be filed at least a day before the date fixed with copy advance to the counsel opposite.

July 26, 2017  
subbu

  
(Justice R.P. Nagrath)  
Member (Judicial)