

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI, COURT - II

Item No. 210
(IB)-525(ND)2017

IA-1132/2021, IA/1131/2021, IA-2672/2021, CA734/C-II/ND/2018,
CA-800/C-II/ND/2018, IA-2773/2021

IN THE MATTER OF:

| | | |
|--------------------------------------|-----|-----------------------------|
| Noble Co-operative Bank Ltd. | ... | Applicant/Petitioner |
| Versus | | |
| Shivkala Developers Pvt. Ltd. | ... | Respondent |

Under Section: 7 of IBC, 2016

Order delivered on 04.08.2021

CORAM:

SHRI. ABNI RANJAN KUMAR SINHA
HON'BLE MEMBER (J)

SHRI L.N. GUPTA,
HON'BLE MEMBER (T)

PRESENT: Rachit Mittal Adv for Noida Authority, Adv. Abhijeet Sinha, Shankari Mishra and Aditya for RP, Sanjay Goswami with Vipin Singh Advocates for Objector in CA 800/2018, Adv. Govind Bhardwaj for Committee of Creditors CA-734/2018, For Applicant in IA 2672- Himanshu Chaubey and Siddharth Garg, Advocates, Advocate for Applicant in IA 1131/2021: Mr. Raghav Sabharwal & Subham Tiwari

ORDER

IA-1132/2021: Ld. Counsel appearing for the RP submits that this IA has already been disposed off on 03.03.2021. **So, it is wrongly listed today.**

IA-1131/2021: Ld. Counsel for R.P has appeared and accepted the notice. However, he submits that he has not received the copy of the application. Therefore, the Appellant is directed to serve the copy of the applications on the email ID of RP's Counsel. RP's Counsel is requested to share his email ID with the Appellant's Counsel in course of the day. One weeks' time is granted to file the reply. List the matter on 3rd September, 2021.

CA-734/2018: Ld. Counsel for the RP submitted that the Resolution Applicant has failed to deposit the performance guarantee for the Resolution

plan submitted by him. Ld. Counsel for the RP further submitted that RP has added the Resolution Applicant as a party in the present CA and thereafter, the notice has been served upon the Resolution Applicant. The Affidavit of service was filed on 18th March, 2021 but none has appeared on behalf of the Resolution Applicant.

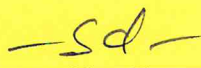
So, considering the above that the Resolution Applicant has disobeyed the direction of the Bench, Bailable Warrant of Arrest be issued against the Resolution Applicant. Registry is directed to issue the Bailable Warrant of Arrest against the Resolution Applicant through the DCP, South Delhi. List the matter on 3rd September.

CA-800/2018: By filing this application, the Applicant has raised objections to the Resolution Plan. List the matter along with CA-734/2018 on 3rd September, 2021.

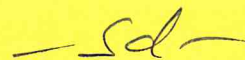
IA-2773/2021: By filing this application, the Applicant has raised objections to the Resolution Plan. List the matter along with CA-734/2018 on 3rd September, 2021.

IA-2672/2021: Ld. Counsel appearing for the RP accepts the notice on behalf of the RP. So, there is no need to issue notice. RP is directed to file the reply within a week from today.

In the course of the hearing, Ld. Counsel appearing for the Applicant admits that in pursuance to its averments made in Form-C, the Applicant has not submitted any document regarding the correspondence made with the Corporate Debtor. List the matter on 3rd September, 2021.



(L. N. GUPTA)
MEMBER (T)



(ABNI RANJAN KUMAR SINHA)
MEMBER (J)