

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
COURT NO. IV, NEW DELHI**

Item No. 110

**IA. NO. 2649/ND/2020 (IB)577(ND)/2018**

**Under Section: 9 of IBC.**

**In the matter of:**

M/s Union Roadways Ltd

....**Applicant**

Vs.

M/s Fernas Construction India Pvt. Ltd.&others....**Respondent**

**Order delivered on 27.07.2020**

**CORAM**

**DR. DEEPTI MUKESH,  
HON'BLE MEMBER (J)**

**MS. SUMITA PUKAYASTHA,  
HON'BLE MEMBER (T)**

For the Applicant : Mr. Rajndra Prasad  
For the IRP : Ms. Arpita Yadav  
For the Respondent :

**ORDER**

**IA No.2649/2020:** Application filed under Rule 11 of NCLT Rules for recalling the order dated 06.12.2019. This application has been filed by IRP appointed by NCLT, New Delhi vide order dated 09.07.2018. Ld. Counsel states that the order passed by this Bench on 06.12.2019 admitted the application filed by the Union Roadways Ltd (Operational Creditor) and CIRP was initiated by appointing IRP. Ld. Counsel further states that the said order was passed ex- parte and none for the Corporate Debtor had apprised the Court of CIRP already going on against the CD vide order dated 09.07.2018, hence the order passed by this Bench could not have been passed and can be considered as

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nonest. The Ld. Counsel further states that they are seeking recalling of the order.

Considering the facts in the present case and submissions made by the Ld. Counsel who further states that one of the ex-Directors of the CD has filed Civil Appeal before the Hon'ble Supreme Court of India<sup>and</sup> wherein stay has been granted against the CIRP process vide order dated 01.03.2019. The copy of order is not placed but Ld. Counsel undertakes to file the same.

In view of the above, the CIRP order passed by this Bench on 06.12.2019 has become redundant and ineffective. The IRP Mr. Vikas Chander Mishra appointed in the said order stands discharged forthwith. The application is allowed and disposed of in terms of above order.

SD/-

**(SUMITA PUKAYASTHA)**  
**MEMBER (TECHNICAL)**

SD/-

**(DR. DEEPTI MUKESH)**  
**MEMBER (JUDICIAL)**