



IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT – II)

Item No. 205
IB-21/ND/2022
Cont. Pett.-33/2023

IN THE MATTER OF:

Yes Bank Limited

... **Applicant/Petitioner**

Versus

**Mothers Pride Education Institution Pvt. ...
Ltd.**

Respondent

Under Section: 7 of IBC, 2016

Order delivered on 12.07.2023

CORAM:

**SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (J)**

**SH. L. N. GUPTA
HON'BLE MEMBER (T)**

PRESENT:

For the Applicant :

For the Respondent :

ORDER

Cont. Pett.-33/2023: The CD namely Mothers Pride Education Institution Pvt. Ltd. was admitted to CIRP in terms of the order dated 11.10.2022. Thereafter, the IRP preferred the IA-5966/2022 under Section 19(2) of IBC, 2016. In the said IA, we passed the following order:

IA-5966/2022: *An application filed by RP seeking "Direction to the Respondents No. 1 to 4 to provide information and documents as sought by the Applicant under Para 32; and Direction to the Respondent No. 1 to provide information/resident address & email-address of Respondent No. 2. None appears on behalf of the RP.*

However, in view of the averments made in the application, in the interest of furtherance of CIRP, we consider it appropriate to direct (a) the Respondents No. 1 to 4 to provide all information, and documents as sought by the Applicant under Para 32 of the application and (b) the R-1 to provide information, residential address & email-address of the R-2 to the RP at the earliest possible and file the compliance affidavit



within 2 weeks. In case of any non-cooperation, RP can bring it to the notice of this Tribunal.

With this, the present IA stands allowed.

The present contempt petition has been filed by the Petitioner alleging the infringement of the said order. When the Order in IA-5966/2022 was passed on 09.12.2022, the IRP/RP should have been more vigilant regarding his duties under Sections 17&18 of IBC, 2016. If the order passed by this Adjudicating Authority was not acted upon, he should have immediately moved an appropriate application before this Adjudicating Authority under Regulation 30 of IBBI (CIRP) Regulations, 2016 for issuance of direction to the District Administration to extend all required assistance to him for retrieving the assets/books/properties of the CD.

Nevertheless, at this stage while issuing notice to respondents in the captioned contempt petition, we also direct that the RP to immediately approach the District Administration to seek assistance in taking control of the assets/properties/books of accounts of the CD forthwith. On being approached for the purpose, the District Magistrate/Collector would ensure that the cooperation/assistance sought by the RP/Applicant herein is provided forthwith.

Ld. Counsel appearing for the Applicant undertakes to serve the notice upon the respondents by all prescribed modes viz. registered post, speed post, courier, and email. Affidavit of service be filed within one week.

Let a copy of this order be sent to the IBBI. The RP and Registrar/Court Officer are directed to do the needful in this regard.

The RP shall ensure to remain present in person on the next date of the hearing.

List the Cont. Pett. On 31.07.2023.

Sd/-

**(L. N. GUPTA)
MEMBER (T)**

Sd/-

**(ASHOK KUMAR BHARDWAJ)
MEMBER (J)**