



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

Item No. 201
IB-702/ND/2018

IN THE MATTER OF:
Super Print Services

... **Applicant/Petitioner**

Versus

M/s. Xalta Food and Beverages Pvt.Ltd.

... **Respondent**

Under Section: 9 of IBC (LiQ), 2016

Order delivered on 10.08.2026

CORAM:

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

SH. ATUL CHATURVEDI
HON'BLE MEMBER (T)

PRESENT:

For the Applicant : Adv. Ekta Chaudhary, Adv. Akash Bhatt

For the RP : Adv. Bishwajit Dubey, Adv. Ramakant Rai, Adv.
Someh Srivastava, Adv. Pranati Sinha, Mr. Naveen
Kr. Jain

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

CP (IB)-702/ND/2018: On 03.08.2026, the Hon'ble Supreme Court in Civil Appeal No. 2569/2022 read with IA No. 186385/2025 and IA No. 110835/2025 passed the following order:-

1. Our order dated 5th May, 2026 speaks for itself.
2. The Committee of Creditors had undertaken before us that they would remove the plant and machinery within 3 months from the date of the Order from the premises in question.
3. We also made ourselves clear in our Order referred to above that for a period of three months, the CoC shall pay the use and occupation charges to the tune of Rs.50,55,565 per month.
4. We also clarified that once the machinery is removed, any further claims of the appellant (landlord), more particularly the claim towards arrears of rent, etc. as CIRP costs, may be put forward before the competent Authority in accordance with law.
5. Today, the matter has come up before us for the purpose of reporting compliance of our directions as regards removal of the plant and machinery, referred to above.
6. Unfortunately, the CoC has failed to remove the machinery despite the fact that it had undertaken before us that they would do so.
7. CoC has many grounds to urge as to why they have not been able to remove the machinery, more particularly, the ground that the cost they are likely to incur for the removal is almost about Rs.7 Crore.



8. Be that as it may, it is high time that we put aside the CoC. We direct the National Company Law Tribunal (NCLT), Delhi, Court Number 2, to undertake the exercise of issuing a tender notice for the purpose of sale of plant and machinery.
9. The NCLT, Delhi, Court Number 2 shall issue a tender notice through the Court Commissioner that it may appoint, other than the Resolution Professional, and undertake the necessary exercise.
10. Let this exercise be undertaken by the NCLT Delhi, Court Number 2 at the earliest.
11. Till the NCLT finalises the entire sale process through public auction, the CoC shall continue to pay Rs.50,55,565/- per month to the appellant towards use and occupation charges.
12. Post the matter after four weeks to report further developments in the matter.
13. Registry is directed to forward one copy of this Order at the earliest to the NCLT Delhi, Court Number 2.

In compliance of the aforementioned order passed by the Hon'ble Supreme Court, we appoint Mr. Pankaj Gupta, Chartered Accountant, [Contact No.- 9999781500, Email Id.- pankajgupta.pgc@gmail.com, Address- 1, Anand Vihar, Pitampura Delhi-110034] as Court Commissioner to do the exercise of issuing a tender notice in compliance of the aforementioned order of the Hon'ble Supreme Court.

Both the RP and the Representative of the Landlord will attend the office of Court Commissioner today at 4:00 o'clock. Both of them will provide to the Court Commissioner their separate inventories of the plant and machinery lying in the rented premises. It would also be open to RP as also Landlord to provide the valuation report qua the plants and machinery lying in the premises.

The Court Commissioner would get separate and independent valuation of the plants and machinery carried within one week from today. He would complete the process of sale of plant and machinery, in terms of the provisions contained in Chapter 6 of the IBBI (Liquidation Process) Regulations, 2016. The Court Commissioner would ensure that the process is completed within six weeks from today.

The RP would take a copy of this order to Court Commissioner as dasti today itself.



The fee of the Court Commissioner would be Rs. 1 lakh plus expenses on actual basis. It goes without saying that the fee of the Court Commissioner and the expenses to be incurred by him are to be met by CoC initially and later the same would be recovered as CIRP cost from the assets of the Corporate Debtor.

List on **28.09.2026**.

Sd/-
(ATUL CHATURVEDI)
MEMBER (T)

Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)