



IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT – IV

ITEM No.101

IA/4867/ND/2023 IN IB/907/ND/2020

IN THE MATTER OF:

Melange Systems Pvt. Ltd.

...

Applicant

Versus

Palmohan Electronics Private Limited

...

Respondent

Order under Section 9 of IBC, 2016.

Order pronounced on 20.10.2023

CORAM:

**MR. MANNI SANKARIAH SHANMUGA SUNDARAM,
HON'BLE MEMBER (JUDICIAL)**

**DR. BINOD KUMAR SINHA,
HON'BLE MEMBER (TECHNICAL)**

ORDER

Order pronounced in open Court vide separate sheets.

Issue Notice to the Respondents.

List IA/4867/ND/2023 on **04.12.2023**

Sd/-

**DR. BINOD KUMAR SINHA
MEMBER (TECHNICAL)**

Sd/-

**MANNI SANKARIAH SHANMUGA SUNDARAM
MEMBER (JUDICIAL)**



**IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
COURT-IV**

**I.A.(IBC)/4867/2023
IN
C.P.(IB)No.907/ND/2020**

IN THE MATTER OF:

**Mr. Sanjay Mehra
Resolution Professional of
M/s. Smartering Infratech Private Limited**
... Applicant
Versus

Mr. Rishipreet Singh Sachdev & Ors.
... Respondents

IN THE MATTER OF:

M/s. Melange System Private Limited
...Operational Creditor
Versus

**M/s. Smartering Infratech Private Limited
(Formerly known as
M/s. Palmohan Electronics Private Limited)**
... Corporate Debtor

CORAM:

**SH. MANNI SANKARIAH SHANMUGA SUNDARAM,
HON'BLE MEMBER (JUDICIAL)**

**DR. BINOD KUMAR SINHA,
HON'BLE MEMBER (TECHNICAL)**

Order Delivered on: 20.10.2023



ORDER
PER: SH. MANNI SANKARIAH SHANMUGA SUNDARAM, MEMBER
(JUDICIAL)

1. The instant interlocutory application is preferred by Mr. Sanjay Mehra, the Resolution Professional ('applicant'), of M/s. Smartering Infratech Private Limited ('Corporate Debtor') under Section 49 read with Section 45 of the Code, 2016 seeking the following prayer(s):-
 - i) Allow the present application;
 - ii) The Respondent may be directed to jointly and severally contribute to the assets of the Corporate Debtor towards reversal of such fraudulent Transactions for an amount of Rs.1,20,478/- .
 - iii) Pass any other orders as this Hon'ble Adjudicating Authority may deem fit and proper in the facts and circumstances of the present case.
2. Briefly stated the facts of the present case as averred by the applicant are that on examination of the Transaction Audit Report dated 05.06.2023 and also examining the books of the Corporate Debtor, the Applicant i.e., Resolution Professional is of the view that the clarifications allowed by the Suspended Board of Directors in relation to the rebates and discounts provided by the Corporate Debtor are not satisfactory as no basis of grant of such rebate is furnished by the Respondents. Accordingly, the instant application under Section 45 read with Section 49 of the Code, 2016 is filed against the Respondents.
3. Heard the Learned Counsel for the Applicant.
4. Issue Notice to the Respondents i.e., (i) Mr. Rishipreet Singh Sachdeva ('Respondent No.1'), (ii) Mr. Gaganpreet Singh Sachdeva ('Respondent No.2'), (iii) M/s. Pioneer Enterprises ('Respondent No.3') and M/s. Royal Impact Certification Limited ('Respondent No.4').



5. The Applicant is directed to serve the notice of the present application to the Respondents along with a copy of the present Interlocutory Application through email as well as by speed post within a period of one week from pronouncement of this order. The Applicant is further directed to file affidavit of service along with tracking report within 14 days from pronouncement of this order.
6. A period of two weeks is granted to the Respondents for filing reply with advance service to the applicant from the date of receipt of copy of the notice and one week for filing rejoinder, if any, thereto from the date of receipt of copy of reply is granted to the Applicant.

List the case on **04.12.2023**

Sd/-

**(DR.BINOD KUMAR SINHA)
MEMBER (T)**

Sd/-

**(MANNI SANKARIAHSHANMUGA SUNDARAM)
MEMBER (J)**