

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI

COURT-VI

**Item No. 204
IB-1840(ND)/2019**

IN THE MATTER OF:

M/s. Ashish Gupta

...PETITIONER

Vs.

M/s. Delagua Helath India Pvt. Ltd.

...RESPONDENT

Section

Under Section 9 of IBC

**Order delivered on 11.10.2021
(Virtual Hearing)**

Coram:

DR. P.S.N. PRASAD, HON'BLE MEMBER (JUDICIAL)

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

For the Petitioner/Operational creditor :

For the Respondent/Corporate debtor :

For the Majority Shareholder

:Mr. Himanshu Vij, Advocate.

ORDER

No one is present on behalf of the Operational Creditor or the Corporate Debtor. The 98.9% stakeholder has filed an intervention application and after filing the intervention application he has on some occasions submitted that the matter is being amicably resolved and prayed for time. Now again he appears and says that the amicable resolution has failed and matter needs to be adjudicated and he should be allowed as an intervener in the proceedings.

On going through the pleadings filed by the parties so far, and contents of the application of the intervener, this application does not require examination under Section 9 of the IB Code. This appears to be a collusive petition, therefore the matter is dismissed and the 98.9% stakeholder is



(Anjula)



directed to put the new management on the Board within next one month from the date of this order. Even if the stakeholders are abroad, their counsel may apprise them about the duties of stakeholders and as to rules and guide them in accordance with the provisions of the Companies Act for smooth running of the Company. In fact this is a case where the Director as well as stakeholder have not acted in accordance with law.

The matter is **dismissed**.

-SD-

(Binod K. Sinha)
Member (T)

-SD-

(P.S.N. Prasad)
Member (J)

(Anjula)