



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

**Item No. 206**  
**CP-148/ND/2021**  
**IA-43/2022**

**IN THE MATTER OF:**

**Union of India, Ministry of Corporate Affairs ... Applicant/Petitioner**  
**Through Regional director (Northern**  
**Region)**

**Versus**

**Argl Ltd. & Ors. ... Respondent**

**Under Section: 224(5)**

**Order delivered on 19.05.2023**

**CORAM:**

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

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

**PRESENT:**

**For the Applicant** : Adv. Harish Vaidyanathan Shankar, CGSC with  
Adv. Srish Kumar Mishra, Adv. Alexander Mathai  
Paikaday, and Adv. Sagar Mehlawat

**For the Respondent** : Ms. Haripriya Padmanabhan, Mr. V. Shyamohan,  
Ms. Shivani Viz, Ms. Anshika Bajpai, Advocates

**ORDER**

**IA-43/2022:** The main grievance espoused in the captioned IA is against the order dated 17.09.2021 passed by the RD (ND), in terms of which the request made by the Applicant i.e., ARGL Limited for change of address has been nixed.

The salient plea espoused by Mr. Harish Vaidyanathan Shankar, Ld. Standing Counsel for CG/RD is that against the aforementioned order passed by the RD, the present application is not maintainable before this Tribunal as the Company Act, 2013 does not provide for any remedy against such order before this Tribunal.

Indubitably, the Respondent in CP-148/ND/2021 i.e., the Applicant in the present IA-43/2022 was admitted into CIRP, and by virtue of order dated 02.12.2019 in CP (IB) No. 53(PB)/2017 of the Principal Bench, NCLT, the present (new) management had successfully acquired the Respondent

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Company namely Argl Ltd. w.e.f. January, 2020. Section 32(A) of the IBC, 2016 gives immunity to the new management as also to the CD from certain liabilities. Probably, the RD while passing the order not allowing the Applicant in the present IA-43/2022 to change its registered office was oblivious to such a factual position. Our ex-facie semblance is that if the new management which plans to resolve the insolvency of a Corporate Debtor, in terms of the provisions of Sections 7, 9 to 31 of the IBC, 2016 is subjected to avoidable procedural complications and is not given the expected facilitation even to the extent of changing the address/registered office of the Company, the object of the Code would be adversely affected.

In the wake, we deem it appropriate to issue notice to the Ministry of Corporate Affairs as well as IBBI. Ld. Counsel for the Applicant undertakes to serve the notice upon the IBBI through its General Manager within one week and file an affidavit of service within 3 days thereafter. Mr. Harish Vaidyananthan Shankar, Ld. Standing Counsel for Union of India accepts notice on behalf of MCA and seeks an opportunity to file a reply to IA, on behalf of the MCA within 2 weeks. Allowed.

Let the RD, who has passed the impugned order, remain present in person on the next date of the hearing physically/virtually.

List on 03.07.2023.

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

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