



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

Item No. 212

(IB)-2963(ND)2019

IA-1390/2022, IA-1700/2021,

IA-3629/2021, IA-4495/2021, IA-2379/2022

IN THE MATTER OF:

Tarun Khanna

... **Applicant/Petitioner**

Versus

M/s. Deltronix India Ltd.

... **Respondent**

Under Section: 9 of IBC, 2016

Order delivered on 18.10.2022

CORAM:

**SHRI. BACHU VENKAT BALARAM DAS,
HON'BLE MEMBER (J)**

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

PRESENT:

For the Applicant : Mr. Krishnendu Datta, Sr. Adv. along with
Abhinav Hansaria, Adv. in IA-2379/2022

For the Respondent : Adv. Shankari Mishra for Respondent No. 1 in IA
1700/2021

For the RP : Mr. Apoorv Sarvaria, Advocate for Ms. Sunita
Umesh

For the SBI : Mr. Kunal Tandon, Ms. Hita Sharma, Adv. in IA
2379 of 2022

For IT Department : Mr. Ruchir Bhatia Sr. Standing Counsel, Ms.
Shlok Chandra Jr. Standing Counsel, Ms. Mansie
Jain & Mr. Keshav Garg

ORDER

IA-1390/2022: This is an application filed by the RP under Section 33(2) of IBC, 2016 for passing an order to initiate the Liquidation process of the Corporate Debtor and appointing the present RP as the Liquidator. Ld. Counsel Mr. Apoorv Sarvaria appearing for the Liquidator submits that he has been engaged recently and he has already filed his Vakalatnama. He further submits that in the CoC in its 10th Meeting held on 14.02.2022 had resolved to liquidate the Corporate Debtor with voting share of 97.44%. The relevant resolution is at page no. 115 and the voting sheet is at page no. 121 of the application. Further the CoC has resolved to appoint the present RP, Ms.

Ashwani 



Sunita Umesh as Liquidator of the Corporate Debtor. In view of the resolution passed by the CoC with requisite majority, we hereby allow the application for initiation of the Liquidation Process of the Corporate Debtor under Section 33(2) of IBC, 2016 and appoint Ms. Sunita Umesh for the Liquidator of the Corporate Debtor with immediate effect.

With this, the present IA stands allowed.

IA-1700/2021: An application filed by the RP under Section 19(2) of IBC, 2016. As per the order dated 12.05.2022, the Suspended Board of Directors were directed to file the affidavit regarding the information and documents that were handed over to the Resolution Professional. The RP submits that he has already received the affidavit from the suspended Board of Directors and he wants to file the response. Let the response be filed within a week. List on 23.11.2022.

IA-3629/2021, IA-4495/2021: Both the applications are filed by the RP under Section 17(2) of IBC, 2016 seeking the following similar reliefs :

b) Grant exemption to the Applicant being the Resolution Professional to comply with the provisions of Section 17(2)(e) of the IBC, 2016 read with necessary compliances under the Companies Act, 2013 to the extent as detailed in paragraph 35 of the present application;

c) Consequential directions to the Respondent to not to levy any penalty upon the Corporate Debtor for such non-compliances in the event a resolution plan is approved under Section 31 or Corporate is liquidated under Section 33 of the Code.

The applicant was could not give any justification for such a prayer nor we find any specific provision in IBC for allowing such an exemption.

Accordingly, the application is Dismissed.

IA-2379/2022: Pleadings are complete. List this IA for hearing on 23.11.2022.

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

**(BACHU VENKAT BALARAM DAS)
MEMBER (J)**