

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-III

Item No.201

New IA-2368/2022 IA-816/2022IA-1585/2022 IA-12/2022

In

IB-276(ND)/2019

IN THE MATTER OF:

Mrs. Naseem Vohra

Vs.

M/s. IIHT Systems Ltd.

.... APPLICANT/PETITIONER

....RESPONDENT

SECTION

U/s 9 IBC code 2016

Order delivered on 26.05.2022

CORAM:

SHRI BACHU VENKAT BALARAM DAS
MEMBER (JUDICIAL)

SHRI NARENDER KUMAR BHOLA
MEMBER (TECHNICAL)

PRESENT:

For the Applicant

: Adv. Nitish K. Sharma

For the Respondent

: Adv. Gaurav Rana, Sharad Sharma, Counsel for the
Respondent No. 1 & 2 in I.A. No. 816/2022

For the IRP

: Adv. Dhruv Rohatgi for RP, Counsels for the
erstwhile IRP in I.A. No. 1585 of 2022: Mr. Vishal
Ganda, Ms. Akanksha Mathur and Ms. Amodini Raina,
Advocates

ORDER

New IA-2368/2022:-

Counsel for the Applicant is present. Counsel submits that through the present IA, he is seeking direction to the RP to consider the claim of his client (Operational Creditor) towards initial amount of Rs. 2 Lakhs given by him to IRP and the amount of rent of the properties which accrued during the period of CIRP as the CIRP costs.

In this connection, RP in this matter is present and accepts notice of the present IA. The RP Counsel is directed to file its reply to the present IA in one



week's time with a copy of the same to be given to the Counsel for the Applicant for his information.

List the matter on **19.07.2022**.

IA-816/2022:-

Counsel for the Applicant/Resolution Professional is present. The Counsel submits that in compliance with this Tribunal order dated 03.03.2022, he has served a copy of the present IA on all the Respondents by e-mail as well as speed Post.

He further states that he has also filed an affidavit in terms of Section 65B of the Indian Evidence Act in support of the aforesaid service by e-mail. Further, the service effected through Speed Post has also been duly as evidenced through the tracking report in support of all the Respondents except Respondent No. 4. Today, one Mr. Sarad Sharma, Advocate having Bar Council No. D-4553/2021 appears on behalf of R-1 and R-2 and undertakes to file Vakalatnama in two days and also file reply to the present petition in another 10 days time. The request as made is granted. He is directed to serve a copy of the reply so filed on Applicant Counsel for his information.

As regards, the other Respondents R-3, R-5 and R-6, we have seen the Track Delivery Reports as well as e-mail sent and conclude that the present application has been properly served upon the said Respondents and the said Respondents are intentionally avoiding appearance before this Tribunal despite having knowledge of the proceedings going on. Accordingly, we order issuance of Bailable Warrants against the said Respondent Nos. 3, 5 & 6. Further, a sum of Rs. 50,000/- is prescribed as a Bail amount along with one surety of the like amount.

Further, the Counsel for RP is directed to give the name and address of the jurisdictional Police Station as well as the SSP of Police under whose area, the said Respondents R-3, R-5 and R-6 are residing for the purpose of issuing



bailable warrants. The aforesaid compliance on the part of Resolution Professional shall be done in a week's time.

As regards, R-4 is concerned, Counsel for RP is directed to issue a public notice with respect to the proceedings going on before this Tribunal and giving intimation to the said Respondent to remain present either personally or through Counsel in virtual mode on the next date of hearing.

The RP shall file the compliance affidavit with respect to public notice in regard to R-4 in one week's time.

List the matter on **19.07.2022**.

IA-1585/2022:-

Counsel for the Ex-IRP is present and submits that despite order dated 17.01.2022 passed in IA-178/2022, he is yet to receive payment in full and final settlement of claim with respect to the IRP fees and expenses which is already approved by the CoC.

In this connection, the present RP in the matter accepts the claim as submitted by ex-IRP and submits that due payment as per law which is payable to the ex-IRP has already been approved by the CoC and the previous order dated 17.01.2022, shall be honoured and as payment will be made as soon as the funds are available with him during the course of CIRP Proceedings. We direct the present RP to take necessary steps with regard to the above in due course of time as per law, make payment of the due claim which is payable to IRP in the matter under the provision of IBC, 2016 and Regulations made thereunder, being already approved by CoC.

List the matter on **19.07.2022**.

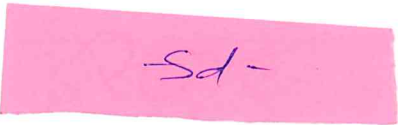


IA-12/2022:-

Counsel for the RP is present since the related matters are already listed for further consideration on 19.07.2022, let this matter be also listed on the same date.

In the meantime, the Counsel for RP is directed to serve a copy of the present IA on the Counsel for ex-Directors namely Respondent Nos. 1 and 2 and the Counsel for ex-Directors is directed to file reply in two weeks' time with a copy of the same to the Counsel for RP. Counsel for the Ex-Directors is directed to provide the e-mail ID of his client immediately for doing the needful.

List the matter on **19.07.2022**.


(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)


(NARENDER KUMAR BHOLA)
MEMBER (TECHNICAL)

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