



IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 5
(IB)-1581(PB)/2018

IN THE MATTER OF:

ICICI Bank Ltd.

.... Petitioner/Applicant

Vs.

VIL Ltd.

.... Respondent

Order under Section 7 of Insolvency and Bankruptcy Code, 2016 (CIRP)

Order delivered on 03.03.2023

CORAM:

JUSTICE RAMALINGAM SUDHAKAR

HON'BLE PRESIDENT

SH. AVINASH K. SRIVASTAVA

HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Adv Shalya Agarwal

For the SRA : Adv. Abhishek Anand, Adv. Sahil Bhatia, Adv. Vaibhav Mendiratta

For the Respondent : Adv. Sandeep Bhuraria, Adv. Parijat, Adv. Nishtha Grover in IA-5415/2022
Adv. Karan Kohli in IA-2367/2020

For the Income Tax : Sr. Standing Counsel Mr. Puneet Rai

ORDER

IA-2015/2022, IA-2762/2022, IA-2763/2022, IA-4768/2022, IA-5415/2022

All these applications have been filed by the Successful Resolution Applicant (SRA) seeking specific reliefs for the implementation of the plan. Though, notice has been issued in all these IAs. In some cases, service has been affected and in some IAs service is yet to be completed. In many cases, an affidavit of service has been filed and the SRA seeks that the respondent should be set ex-parte and proceeded so that he can implement the plan effectively. In all these cases the respondents namely GST Department, Tehsildar Lucknow, Commercial Tax



Department Lucknow and others have not chosen to enter their appearance till date.

In each of these IAs, we are called upon to verify whether service was effected properly on the respondents before proceedings to set them as ex-parte. Each IAs for verification of service consumes a considerable period of time. Further, judicial time is wasted on administrative duties of this kind. If this time is given to the Bench for adjudicating cases on merit, it will be a great help.

In view of the above, we direct the Insolvency and Bankruptcy Board of India (IBBI) to take into consideration to suitable modification to the Court for the purpose of relieving the Benches of the Tribunal to engage in routine work of completion of service and completion of pleadings so that the judicial time will not be wasted on these issues of completion of service and completion of pleadings.

At the request of the Ld. Counsel for the petitioner who seeks to verify once again that all the respondents are serviced or not. Accordingly, we grant time till 21.03.2023.

Copy of this order to be sent to the IBBI and MCA.

This issue can be best served, if the officer in the rank of Registrar or Joint Registrar is appointed for each Bench to deal with the issues relating to the completion of service of notice and proof of service and also to completion of pleadings.

As an abundant caution, we call upon petitioner counsel to serve the notice on the respondents in each IA once again.



List the matter **on 10.04.2023.**

IA-2367/2020

When the matter was called, none appeared for the petitioner. On the previous hearing substitution of applicant RP by SBI was allowed. However, no steps have been taken. Also, none appeared for the SBI.

Accordingly, **IA-2367/2020** stands **dismissed for non-prosecution.**

-Sd-

(RAMALINGAM SUDHAKAR)
PRESIDENT

-Sd-

(AVINASH K. SRIVASTAVA)
MEMBER (TECHNICAL)