

IN THE NATIONAL COMPANY LAW TRIBUNAL : NEW DELHI

COURT-III

IB-401 /ND/2017
(CA No.495/2019 & 148/2019)

In the matter of :

Mr. Deepak Khanna

.. PETITIONER

Vs.

Earth Infrastructure Limited

..RESPONDENT

SECTION

Under Section 7 of IBC, 2016

Order delivered on 05.8.2019

Coram :

Sh. R. Varadharajan,
Hon'ble Member (Judicial)
Shri Kapal Kumar Vohra,
Hon'ble member (Technical)

For the Petitioner /Op. Creditor : Mr. Rakesh Kumar, Ms. Chetna Bisht, Mr. Hetish Raj
Singh, Advocates, Mr. Sandeep Bhuraria, Advocate
Applicant in CA No.148/2019 Mr. Surinder Kr, CA

For the Respondent/Corporate Debtor : Ms. Eram Khan, Advocate for R-12

For the Intervener : Mr. Ashish, Mr. Anurag Bhatt, Mr. Lokesh Pathak,
Advocates, Mr. Puneet Singh Bindra, Ms. Simran Jeet, Advocates,
Mr. Shobit Kohli, AR

ORDER

CA No.17/C-III/ND/2019 : In this Application, Ld. Counsel for the Applicant as well as Ld. Counsel for the R.P. are present. Ld. Counsel for the RP represents that since the relevant documents have been supplied only a couple of days back along with rejoinder, some time is required to go through the same. Taking into consideration the said representation, this application will come up for hearing on Monday, the 19th August, 2019.

CA No.19/C-III/ND/2019 : In this application, pursuant to the directions, Ld. Counsel for the RP represents that an amended Memo

Contd -

Q

impleading the respondents has been duly filed on 17.7.2019, however, the said filing is not available. In the circumstances, the R.P. is directed to coordinate with the Registry and ^{bring} ~~bring~~ it on record on or before the next date of hearing which is fixed on 19th August, 2019. ✓

CA No.417/C-III/ND/2019 : In this application, pursuant to the directions, Ld. Counsel for the RP represents that an amended Memo impleading the respondents has been duly filed on 17.7.2019, however, the said filing is not available. In the circumstances, the R.P. is directed to coordinate with the Registry and ^{bring} ~~bring~~ it on record on or before the next date of hearing which is fixed on 19th August, 2019. ✗

Post the matter on 19.8.2019.

CA No.325/C-III/ND/2019 :In this application, Ld. Counsel for the Resolution Professional is present. Pursuant to the directions dated 15.7.2019, Ld. Counsel for the RP represents that steps have been taken to serve all the Respondents.

For further consideration, post this application on 02.9.2019.

CA No. 435/C-III/ND/2019 : In this Application, Ld. Counsel for the R.P. represents that service has been done on all the 12 Respondents as impleaded in this application and an affidavit of service has been filed on 02.8.2018. From a perusal of the said Affidavit as well as the Tracking report as annexed, this Tribunal is not in a position to observe whether the service has been done through Post or through e-Mail. Ld. Counsel for the RP represents that an opportunity may be granted to file a Tabulation clearly reflecting the mode of service and to apprise this Tribunal whether service has been done through e-Mail or otherwise. For this purpose, a week's time is granted.

Court

Q

IB-401/ND/2017
C-III

In the meantime, appearance on behalf of Respondent-12, being the United Bank of India, is entered by one Ms. Eram Khan, Advocate, , who seeks time to file reply. Let reply be filed by the Counsel appearing for United Bank of India within 10 days from today. Other than R-12, none of the other Respondents are present.

Post this Application on 02.9.2019.

CA No.495/C-III/ND/2019 :This Application has been moved by one of the proposed Resolution Applicant seeking for extension of time in relation to the submission of the Resolution Plan. Upon notice of this Application, Ld. Counsel for the R.P. represents that a Meeting is to be convened on 07.8.2019 for the purpose of considering the extension of time by the Applicant in filing the Resolution Plan and even though, it was proposed to convene the meeting today (05.8.2019) but however, it was not able to convene the meeting today due to the absence of Authorized Representative and the meeting is proposed to be convened on 07.8.2019. The statement made by Ld. Counsel for the RP is taken on record and this application hence stands closed ^{as} extension of time will be considered by the COC. R

Sd-

(K.K. VOHRA)
MEMBER (TECHNICAL)

Sd-

(R. VARADHARAJAN)
MEMBER (JUDICIAL)

Surjit
05.8.2019

IB-401/ND/2017
C-III