



IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No.14
(IB)-1581(PB)/2018

IN THE MATTER OF:

ICICI Bank Ltd

... Petitioner/Applicant

v.

VIL Ltd.

... Respondent

Order Under Section 7 of Insolvency & Bankruptcy Code (IBC) CIRP

Order delivered on 26.07.2023

CORAM:

JUSTICE RAMALINGAM SUDHAKAR
HON'BLE PRESIDENT

SH. AVINASH K. SRIVASTAVA
HON'BLE MEMBER (T)

(HEARING THROUGH PHYSICAL MODE AND VC)

PRESENT:

For the Applicant : Mr. Dhananjaya Sud, Mr. Abhinav Tyagi, Advs. in IA-2367/2020
Mr. Abhishek Anand & Mr. Vaibhav Mendiratta, Advs. for the SRA
Mr. Karan Kohli, Adv. in IA-2367/2020
Ms. Tara Pokhriyal in IA-3118/2021

For the Respondent : Mr. Sanchit Garga, Adv. for the R-2 in IA-2762/2022
Mohd. Moonis Abbasi, Adv for R-4 in IA-4768/2022
Mr. Sandeep Bhuraria, Ms. Nishtha Grover, Advs. in IA-5415/2022

ORDER

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

Ld. Counsel Mr. Abhishek Anand appeared through VC on behalf of the SRA.

On 03.03.2023, we passed the following order in the batch of the IAs which is followed by another order on 10.04.2023:

“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.**”



On 10.04.2023, we passed the order as follows:

*“Ld. Counsels for the parties are present.
As per the earlier order dated 03.03.2023, we had asked the Insolvency and Bankruptcy Board of India (IBBI) to take into consideration a suitable modification to the Code for the purpose of relieving the Benches of the Tribunal from the routine work of completion of service and completion of pleadings, so that the judicial time will not be wasted on these issues. It was also suggested that this issue can be served, if the officer in the rank of Registrar or Joint Registrar is appointed for each Bench to deal with these issues. We have further asked the Ld. Counsel for the Petitioner to serve notice on the Respondent.
Today when the matter was called, Ld. Counsel Mr. Abhishek Anand appeared on behalf of the Applicant and stated that he will serve upon the respondents as directed by this court. However, no information has been received from the Registry as to whether the copy of this order has been served upon the IBBI. We, therefore, direct the Registry to serve a copy of the order dated 03.03.2023 as well as a copy of today’s order upon the IBBI, and the Ministry of Corporate Affairs (MCA) and give us a compliance report on or before the next date of hearing.
At the request, list the matter along with all the pending applications for a physical hearing on 15.05.2023.”*

The Registry is directed to give a report as to whether there is any interaction from the IBBI and the Ministry of Corporate Affairs (MCA). The Registry is also directed to serve another copy of these two orders dated 03.03.2023 & 10.04.2023 both on the IBBI and MCA for their considered views in the matter on or before the next date of hearing i.e. **on 09.10.2023** only in respect of this direction.

The Registry is directed to list the matter with the caption “Report”.

Await Report of IBBI and MCA.

At the request, list the matter for a physical hearing **on 09.10.2023**.



IA-2367/2020, IA-3118/2021, IA-4768/2022, IA-5415/2022

At the request, list these applications for a physical hearing **on 27.09.2023.**

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**(RAMALINGAM SUDHAKAR)
PRESIDENT**

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**(AVINASH K. SRIVASTAVA)
MEMBER (TECHNICAL)**

26.07.2023
Vinod Arora