

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**  
**Company Appeal(AT)(Insolvency) No. 188 of 2018**

**IN THE MATTER OF:**

**Rajputana Properties Private Limited**

**...Appellant**

**Vs**

**Ultratech Cement Limited and Ors.**

**....Respondents**

**Present:**

**For Appellant: Ms. Misha, Mr. Siddhant Kant, Ms. Srishti Khare and Mr. Rajeev Khatana, Advocates.**

**For Respondents: Mr. Amerendra Saran, Senior Advocate assisted by Mahesh Agarwal, Advocates for Respondent No. 1**

**Mr. Virendra Ganda, Senior Advocate assisted by Ms. Purti Marwaha, Mr. Kumar Kartikey and Mr. Abhinav Raghuvanshi, Advocates for Binanni Industries Ltd.**

**Mr. R. Sudhinder, Mr. Sooriya Ganguli, Ms. Pooja Chakraborti, A. Sarkar and Mr. Sumant Batra, Advocates for Committee of Creditors**

**ORDER**

**04.05.2018** Mr. Mahesh Agarwal, learned Advocate accepts notice on behalf of 1<sup>st</sup> Respondent No. 1- Ultratech Cement Limited. Mr. Sumant Batra and Ms. Puja Chakraborty accept notice on behalf of Respondent No. 3 – Bank of Baroda on behalf of the ‘Committee of Creditors’. They are allowed a weeks’ time to file their respective reply Affidavits. Rejoinder, if any, may be filed by the Appellant within 5 days thereof. In the meantime, let notice be issued on Respondent No. 2, through Resolution Professional, by Speed Post. Requisites along with process fee, if not filed, be filed by 07.05.2018. If the Appellant

provides the e-mail address of Respondent No. 2, let notice be also issued through e-mail. **Dasti** service is permitted.

A Caveat Petition no. 255 of 2018 has been filed in which wrong provision of Section has been made and 'cause title' has also not been shown in proper manner. In the circumstances, we do not pass any specific order in Caveat Petition No. 255 of 2018. The caveator if so required may file a fresh Caveat Petition in terms with the provisions of the order passed under Rule 104 of the NCLAT Rules, 2016 showing proper 'Memo of Parties' with proper prayer. If such application is filed by 07.05.2018, Office will accept the same along with Service Report to give them opportunity of hearing during the appeal. However, if they have accepted the notice no further petition required to be filed. Caveat Petition No. 255 of 2018 stands disposed of.

Post the Appeal 'for Admission' on **22<sup>nd</sup> May, 2018**. Learned counsel for the appellant is directed to file the certified copy of the impugned order dated 02.05.2018 passed by National Company Law Tribunal, Kolkata Bench, Kolkata in C.P.(IB) No. 359/KB/2017 within a week.

During the pendency of the Appeal, it will be open to the 'Committee of Creditors' and the Adjudicating Authority to approve one or other 'Resolution Plan', including the Plans if received subsequently which will be subject to the decision of this Appeal.

[Justice S.J. Mukhopadhaya]  
Chairperson

[Justice Bansi Lal Bhat]  
Member (Judicial)

*Akc/unk*

