

NATIONAL COMPANY LAW TRIBUNAL

NEW DELHI BENCH-COURT II

(IB)-731(ND)2019

CORAM:

**PRESENT: MR. L.N. GUPTA
HON'BLE MEMBER(T)**

**MR. CH. MOHD. SHARIEF TARIQ
HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 05.03.2020.**

**NAME OF THE COMPANY: M/s. Concept Incorporation V/s. M/s. DCP
India Pvt. Ltd.**

SECTION 9 of IBC Code, 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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Present:

**Advocate for the Petitioner
Advocate for the Respondent.**

ORDER

IA-1549/2019 is an application filed by the applicant, Union Bank of India, UK. Id. Counsel for the intervenor in the CP prays for a direction to respondent no.1 to provide a copy of the insolvency petition and direct the respondent no. 2 to place a copy of their latest financial statement before the Adjudicating Authority.

During the course of hearing it is stated by the petitioner that his interest is at stake. He is one of the Creditors and this Court is required to go into the details of the day to day affairs of the company and he be permitted to stand in the side of respondents to defend the petition filed under Section 9 of the IBC, 2016. This is a prayer that has been made by the intervenor that he wants to stand in the

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shoes of the Corporate Debtor to resist the application filed under Section 9 of 2016 which is not permitted under of the provisions of IBC. The application is neither maintainable on facts or in law. Therefore, the petition is dismissed in limine without cost.

It is also noticed by this Bench that vide order dated 07.06.2019, the matter was heard by the previous Bench and the order was reserved. However, the order was not pronounced due to intervention by the intervenor. Therefore, list the main petition for fresh hearing on 13th April, 2020.

-Sd-

(L.N. Gupta)
Member (T)

-Sd-

(Ch. Mohd. Sharief Tariq)
Member (J)