

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**PRINCIPAL BENCH**

**ITEM No. 149**  
**(IB)-16(PB)/2017**

**IN THE MATTER OF:**

Anil Mahindroo & Anr.

.... Applicant/petitioner

v.

Earth Iconic Infrastructures Pvt. Ltd.

.... Respondent

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

**Order delivered on 25.09.2019**

**Coram:**

**CHIEF JUSTICE (RTD.) M. M. KUMAR**  
**HON'BLE PRESIDENT**

**SH. S. K. MOHAPATRA**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the RP

For the Respondent

Mr. Rakesh Kumar & Mr. Sahil Dhawan, Advs.

Mr. Sandeep Bisht, Mr. Anuj Tiwari & Mr. Shikhar  
Shrivastav, Advs. for R-3

Mr. Prashant Jain, Adv. for R-2 to R-5

Mr. Arpit Dwivedi, Adv. for R-6

Ms. Maini Mittal & Mr. Pratush Mittal, Advs.

For the Prospective Applicant Mr. Iswar Mohapatra, Adv.

**ORDER**

**CA-1930(PB)/2019**

The applicant-Unicon Buildtech has filed this application under Section 60(5) of the Insolvency & Bankruptcy Code, 2016 stating that they are prospective resolution applicant and direction be issued to Resolution Professional to provide the information memorandum to it.

Notice of the application.

Mr. Rakesh Kumar, Ld. Counsel for the Resolution Professional accepts notice and states that information memorandum shall be shared with the applicant and the resolution plan would also be



considered and placed before the CoC if a sum of Rs. 25,00,000/- is deposited as a performance guarantee.

We passed over the matter to enable Mr. Iswar Mohapatra to seek instructions. After seeking instructions Mr. Mohapatra states that the amount of Rs. 25,00,000/- shall be deposited on or before 03.10.2019 with the Resolution Professional. The information memorandum shall be shared by the Resolution Professional within next three days. If any resolution plan is filed within next ten days the same may be placed before the CoC as according to the 3<sup>rd</sup> un-un-numbered proviso added to Section 12 (3) the extended period of 90 days would be available, although the period of 330 days have already expired.

**CA-1385(PB)/2019**

Mr. Rakesh Kumar, Ld. Counsel for the RP states that no sale of any asset shall take place without the express permission obtained from the NCLT-Adjudicating Authority. This statement satisfies the Ld. Counsel for the applicant and application stands disposed of in above terms.

Sd/-

**(M.M.KUMAR)  
PRESIDENT**

Sd/-

**(S. K. MOHAPATRA)  
MEMBER (TECHNICAL)**