

NATIONAL COMPANY LAW TRIBUNAL

NEW DELHI BENCH

CORAM:

(IB)-609(ND)/2017

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

**MS. INA MALHOTRA
HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 27.09.2019**

NAME OF THE COMPANY: SE Investments Ltd. Vs. Soni Realtors Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 7 of IBC, 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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Present for the Petitioner:	Mr. P. Nagesh, Mr. Harshal Kumar, Mr. Shivam Wadhwa, Advocates Mr. Ashish Rana & Mr. Harshit Garg, Advocate for BOI Mr. Amarjeet Singh & Mr. Deepak Advocates
Present for the Respondent:	Mr. Saurabh Jain, Mr. Smarth Arora, Advocates Mr. Abhindra Maheshwari & Mr. Rajeev Kumar Advocates for RP

ORDER

CA-1259/19 has been filed by Bank of India whose claims had been rejected by the RP. This Bench had endorsed the decision of the RP, the bank guarantee had not been invoked till moratorium was imposed.

The applicant now submits that the Town & Country Planning Department had invoked the bank guarantee, but the said letter of invocation had not been received by them. It is his apprehension that the Applicant Bank may have to honour the Bank Guarantee at a later date and therefore wishes to file their claim with the RP. Since the Bank Guarantee was not invoked till the period of

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the moratorium, the Bank is now under a legal disability to honour the same.

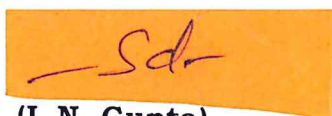
Further as no amount has been disbursed, the claim is premature. Upon

Moratorium being declared, no disbursement can be effected by the Applicant. In such scenario it is the considered opinion of this Bench that any claim made by the Town & Country Planning Department should be made directly to the RP in this case. This application does not merit consideration.

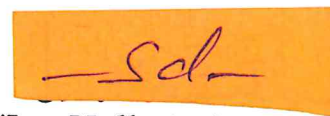
Application stands disposed of in terms of the above.

Ld. Counsels pray for disposal of the pending applications. Two applications have been filed by the aggrieved claimants whose claims have not been considered.

Ld. Counsel for the RP accepts notice. He shall look into the same. The delay if any in filing the same is condoned.



(L.N. Gupta)
Member (T)



(Ina Malhotra)
Member (J)