

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 134
(IB)-37(PB)/2018

IN THE MATTER OF:

Dinesh Kumar Jain & Ors. Applicant/petitioner
v.
Fantastic Buildcon Pvt. Ltd. & Ors. Respondent

Order under Section 7 of Insolvency & Bankruptcy Code, CIRP

Order delivered on 07.01.2019

Coram:

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

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

PRESENTS:

For the petitioner: Mr. Krishna Kumar, Mr. S.C. Nanda & Ms. Srujana Suman Mund, Advs.
For the Respondent(s): Mr. Rakesh Kumar, Ms. Chetna Bisht & Mr. Sahil Gupta, Advs. for Ex- management
Mr. Shailesh Dayal, CS
For the RP Mr. Kamal Vijay & Mr. Rajender Vijay, Advs. with Mr. Om Prakash Vijay, RP

ORDER

CA-827(PB)/2018

The original documents handed over on 29.11.2018 to the Bench Officer may be kept ready for the perusal of the Bench. One issue of maintainability of the avoidance of transaction dated 14.10.2015 on which charge was created on 16.01.2017, Ld. Counsel for the RP seeks and is granted one week time to come prepared with the arguments as to how the application would be maintainable under section 43(4) of Insolvency and Bankruptcy Code, 2016 as the impugned original agreement dated 14.10.2015 would not be within



the two years period preceding the date of CIR Process initiated on 19.06.2018.

List for further consideration on 16.01.2019.

Sdl-

(M.M.KUMAR)
PRESIDENT

Sdl-

(S. K. MOHAPATRA)
MEMBER (TECHNICAL)

07.01.2019
Ritu Sharma