

NATIONAL COMPANY LAW TRIBUNAL

NEW DELHI BENCH

(IB) 470(ND)/2017

**PRESENT: 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 09.07.2018.

NAME OF THE COMPANY: Shri Amit Kumar Malik Vs. M/s Kindle Developers Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 7 of IBC, 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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For the Petitioner:	Mr. Ajay Fatyal, Advocate
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ORDER

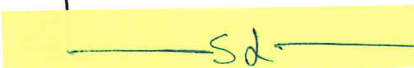
Application 218/2018 has been filed by the IRP appointed by this Bench vide order dated 09.03.2018 at the time of admitting the petition of the Financial Creditor. The Financial Creditor had named Sh. Yogesh Kumar Tyagi as the IRP, whose consent and eligibility in Form 2 was on record. He was confirmed by this Bench and was directed to take steps with the statutory provisions under the Code.

It is submitted in the present petition that there was no communication made to him by the applicant, neither was any amount deposited for publication etc.

The IRP is also placed on record certain emails addressed to the Counsel for the Financial Creditor that he came to know of the order of this Bench on 22nd June, 2018 and on making enquiries, learnt that the Financial

Creditor had independently settled his claim with the Corporate Debtor. This is viewed stringently and makes the Financial Creditor liable to penal consequences. In view of the same, it is expedient that due notice is issued to the Financial Creditor to file his reply. He is also directed to be present in the Court on the next date of hearing. Equally serious is the conduct of the Corporate Debtor who despite a moratorium has settled only with the Financial Creditor.

Notice to the Corporate Debtor returnable on 30th July, 2018.


(Ina Malhotra)
(Member (J))