

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
PRINCIPAL BENCH

ITEM No. 113
(IB)-486(PB)/2018

IN THE MATTER OF:

Usha Devi Applicant/petitioner
Vs.
Praveer Construction Pvt. Ltd. Respondent

Under Section 7 of Insolvency and Bankruptcy Code, 2016(CIRP)

Order delivered on 31.05.2019

Coram:

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

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

PRESENT:

For the RP Mr. Rakesh Kumar, Ms. Chetna Bisht & Ms. Preeti Kashyap Advs.
In CA-603(PB)/2019 Ms. Arunima Bhattacharjee, Adv. for Mr. Lakshmi Narayan Bhimani

ORDER

CA-1315(PB)/2018

On 13.05.2019 we have noted the Police report dated 11.05.2019 received from Police Station Vasant Kunj South; New Delhi. It was brought to our notice by the counsel for the RP that Mr. Sudhir Khurana & Ms. Menka Khurana have approached the Hon'ble NCLAT by challenging the orders of the Adjudicating Authority-NCLT and have sought to serve the counsel appearing for them before the NCLAT. We accepted the request made and directed service to be effected on the aforesaid persons through their counsel appearing before NCLAT. However, Mr. Praveen Chauhan & Ms. R T Saila Sutha were to be brought before this Court asailable warrants were issued against them.



2. Mr. Rakesh Kumar, Ld. Counsel for the Resolution Professional has placed before us a copy of the order dated 23.05.2019 passed by Hon'ble NCLAT in Company Appeal (AT) (Insolvency) No. 269 of 2019 filed by Mr. Sudhir Khurana and Hon'ble NCLAT has passed the following order:-

“Mr. Rakesh Kumar, Ld. Counsel appearing on behalf of the ‘Resolution professional’ submits that the Appellant and other ‘Promoters’ are not co-operating with the ‘Resolution Professional’ and not appearing before the National Company Law Tribunal on the ground that they have moved before the ‘National Company Law Appellate Tribunal’ (NCLAT). Instead of going in to the merit of the case, we direct the Appellant and other ‘Promoters’ to appear before the ‘NCLT’ and only after appearance, they will request this Appellate Tribunal to take up the Appeal.

In the mean meantime, the Respondent may file reply-affidavit within two weeks. Rejoinder, if any, be filed by the Appellant within 2 weeks thereof.

Post the case ‘for orders’ on 2nd July, 2019.

During the pendency of the appeal, the Appellant and other ‘Promoters’ will hand over all the records and assets of the ‘Corporate Debtor’ to the ‘Resolution Professional and report the compliance.

The ‘Resolution Professional’ in his turn will comply with the directions as given by this Appellate Tribunal on 26th March, 2019.”

3. Despite the direction issued by the Hon'ble Appellate Tribunal to the aforesaid persons to appear before this Tribunal, none has put in appearance. Also, the directions issued to handover all the record and documents of the corporate debtor to the Resolution Professional have not been complied as per the statement made by Ld. Counsel for the Resolution Professional.

4. In view of the above we issue bailable warrants to all the aforesaid four persons and their addresses are as under:-

Q7

1. Mr. Sudhir Khurana,
Ex-Director of Corporate Debtor
Resident of: D-105, First Floor,
Ram Mandir Road, Shanti Kunj Main,
Vasant Kunj,
New Delhi-110070
Email: wtc3579@gmail.com
2. Ms. Menka Khurana
Ex-Director of Corporate Debtor
Resident of: D-105, First Floor,
Ram Mandir Road, Shanti Kunj Main,
Vasant Kunj,
New Delhi-110070
Email: menka.khurana123@gmail.com
3. Mr. Praveen Chauhan
Ex-Director of Corporate Debtor
Resident of: House No. 21, Gali No. 3,
Challera, Sector-44
Noida-201301
Email: goldpiller@gmail.com
4. Ms. R T Saila Sutha
Ex-Director of Corporate Debtor
Resident of: DO No. 23-11-26, First Floor,
4 Shiva Ranga Residency,
Nageswara Pantulu Road,
Opposite Corporation Bank,
Satyanarayana Puram,
Vijaywada, Krishna,
Andhra Prades-520011
Email: gpreddy.gp121@yahoo.com

5. Bailable warrants be issued to the aforesaid persons for a sum of Rs. 25,000/- along with two sureties of equal amount to ensure their presence in Court and the same be done to the satisfaction of the executing officer.



6. The DCP, Delhi is requested to depute a competent officer having jurisdiction to execute the bailable warrants and the report be submitted at the earliest.

7. A copy of this order be sent to DCP concerned by the Registrar at the earliest.

8. List on 14.06.2019.

CA-603(PB)/2019

On behalf of respondent No. 7 Ms. Arunima Bhattacharjee, Ld. Counsel has put in appearance. She seeks and is granted ten days time to file reply with a copy in advance to the counsel opposite. Service in respect of respondent no. 1 to 6 & 8 to 11 is complete. However, no one has put in appearance on their behalf.

List for further consideration on 14.06.2019.

Sd/-

(M.M.KUMAR)
PRESIDENT

Sd/-

(S. K. MOHAPATRA)
MEMBER (TECHNICAL)