

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
SPECIAL BENCH

Item No. 147
(IB)-397(PB)/2018

IN THE MATTER OF:

Bank of India

Vs.

Basic India Ltd

.... Applicant/petitioner

.... Respondent

SECTION:

Under Section 7 of IBC, 2016 CIRP

Coram:

SHRI CH. MOHD. SHARIEF TARIQ
HON'BLE MEMBER (JUDICIAL)

MS. SAROJ RAJWARE
HON'BLE MEMBER (TECHNICAL)

Order delivered on 20.01.2020

PRESENT:

For the Applicant : Ms. Rakshita Goyal, Ms. Manisha Aggarwal, Advs.
For the Respondent : Mr. Satish Rai, Mr. Abhay Kaushik, Mr. Akhil
Mr. Rishi Kapoor, Advocates.

ORDER

CA-1155(PB)/2019:-

Learned counsel for the applicant is present. Learned junior counsel appearing on behalf of the counsel for the RP, is also present.

Learned counsel for the applicant prayed to set aside the observation made by the RP vide communication dated 11.02.2019 on the ground that the applicant has obtained an order from the Hon'ble High Court of Delhi on 08.07.2019 wherein the communication by which the applicant was declared as wilful defaulter, was set aside and liberty was given to respondent No. 1 (Bank of India) to give copy of the order passed by Identification Committee to the applicant within a week's time from the date of the order for seeking his reply within 15 days and thereafter to get considered the same by review committee and to pass fresh order.

The sole member of the CoC is Bank of India who was respondent no. 1 in WP(C) No. 3404 of 2019 titled as Athar Zia v. Bank of India & Ors., wherein the High Court has given

directions. Therefore, liberty is granted to the applicant to make a representation before the CoC i.e. Bank of India and to decide the status of the applicant afresh in relation to the issue of being defaulter. The representation shall be made within three days by the applicant before the CoC thereafter the CoC shall dispose of the same within two weeks, under intimation the applicant in the light of the directions of the Hon'ble High Court given in the above noted case.

Accordingly, the application stands disposed of.

CA-1426(PB)/2019:-

Learned counsel for the applicant is present. Learned junior counsel appearing on behalf of the counsel for the RP, is also present. Learned counsel for the applicant prayed for time to make submission. At the request, time is granted.

List on 04.02.2020.



**SAROJ RAJWARE
MEMBER (TECHNICAL)**

20.01.2020
Aarti Makker



**CH. MOHD. SHARIEF TARIQ
MEMBER (JUDICIAL)**