

IN THE NATIONAL COMPANY LAW TRIBUNAL

NEW DELHI BENCH, (COURT-II)

Item No. 231

(IB)-266(ND)2019

**IA/3533/2020 IA/1273/2020 IA/3960/2020 IA/3975/2020
IA/3468/2020 IA/5173/2020**

IN THE MATTER OF:

Mr. R. Tarkeshwar Narayan ... Applicant/Petitioner

Versus

M/s. Horizon Buildcon Pvt. Ltd. ... Respondent

Under Section: 7 of IBC, 2016

Order delivered on 05.01.2021

CORAM:

**SHRI. ABNI RANJAN KUMAR SINHA,
HON'BLE MEMBER (J)**

**SHRI. L. N. GUPTA,
HON'BLE MEMBER (T)**

PRESENTS:

Ms. Mayuri Raghuvanshi, Adv, Mr. Vyom Raghuvanshi, Adv and Mr. Akshat Singh, Adv for Respondent Indian Overseas Bank in IA No. 3975/2020, Mr. Nipun Gautam- For IRP, Mr. Prateek Kushwaha, Adv for Applicants in IA No. 1273/2020, Mr. Aditya Nayyar Advocate for CoC, Mr. Abhishek Anand, Adv & Mr. Rahul Adlakha, Adv for RP

ORDER

IA/3533/2020 : Mr. Aditya Nayyar appeared for the Respondent. In pursuant of our order dated 02.11.2020, we directed the Respondent to file the reply and it was specifically mentioned in that order that no further adjournment will be granted and the next date of hearing was on 27.11.2020 but the Respondent failed to file the reply by the date fixed i.e 27.11.2020 and even till today it has not been filed. So, considering these facts, we don't think

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proper to give more opportunity. Hence, the right to file reply is hereby closed.
List the matter for final hearing on 15.02.2021.

IA/1273/2020 : Mr. Abhishek Anand appearing for the RP seeks time of two days on the ground that he has not received the complete paper book from the erstwhile RP. Considering this, list the matter on 11.01.2021.

IA/3960/2020 : Learned Counsel Ms. Natasha Garg appeared for the R-1 and R-2 and sought time to file the reply. She further submitted that she has not received the copy of the Application. Mr. Abhishek Anand RP/Applicant is directed to serve the copy of the Application to the respondent in course of the day.

Mr. Siddharth Mehta appearing for R-4 submitted that he has already filed the reply on 16.10.2020 but the same is not on the record. Learned Counsel appearing for the RP Mr. Abhishek Anand also submitted that he has not received the copy of the reply. The Respondent No. 4 is directed to share the dairy no. with the court officer and also serve the copy of the reply to the R.P's Counsel within two days from today.

So far as the Respondent No. 3, 5, 7, 8 and 9 are concerned, the Applicant is directed to issue fresh notice upon all these Respondents. So far as R-6 is concerned, since this application is filed under section 19(2) of IBC, Deputy Commissioner of Police is not the necessary party to this proceeding. Therefore, the Applicant is directed to delete the name of Respondent No. 6 i.e. Deputy Commissioner of Police from the Memo of Parties. List the matter on 15.02.2021.

IA/3975/2020 : Mr. Abhishek Anand Counsel for the RP submitted that he has filed the reply/report yesterday but the same is not on the record. Mr. Abhishek Anand is requested to share the dairy no. with the court officer so that the same may be placed on the record. In the meantime, the RP is directed to serve the copy of the Application to the Indian Overseas Bank Respondent No. 2. List the matter on 15.02.2021.

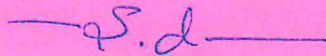
Ashwani



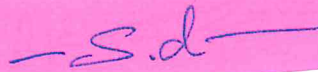
IA/3468/2020 : Learned Counsel appearing for RP Mr. Abhishek Anand submitted that the present application was filed by the erstwhile RP but the prayer made in the application was incorrect. Therefore, a fresh application was filed and basing on that the extension has already been granted vide order 09.11.2020. In view of the that facts, the present application has become infructuous.

Hence, the IA is **DISMISSED as infructuous**.

IA/5173/2020 : Partly heard. List on 06.01.2021. Applicant is also directed to file the detailed facts regarding the initiation of the CIRP, the steps taken by the RP during this period and the details of the extensions granted.



**L.N. GUPTA
MEMBER (T)**



**ABNI RANJAN KUMAR SINHA
MEMBER (J)**