

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
SPECIAL BENCH

Mentioning Matter
(IB)-1788(PB)/2018

IN THE MATTER OF:

Sarika Somvanshi & Ors.

.... Applicant/Petitioner

v.

M/s. R.S Stones Pvt. Ltd.

.... Respondent

Order under Section 7 of IBC (CIRP)

Order delivered on 20.04.2021

CORAM:

SH. B.S.V. PRAKASH KUMAR
HON'BLE ACTG. PRESIDENT

SH. L.N. GUPTA
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant

Ms. Renuka Iyer, Adv. for RP

For the respondent

Ms. Zinneha Mehta, Ms. Racheeta, Advs. for
Respondent No.-2 -UIT

ORDER

IA-627/2021 and IA-1679/2021:

The RP Counsel has mentioned an order passed by Hon'ble High Court of Delhi on 19.04.2021 directing this Bench to pass orders in IA-627/2021 and IA-1679/2021 on the premise various Creditors were supposed to deposit the expenses relating to security and other expenses of CIRP costs, since the said amount has not been paid, the RP Counsel appearing before Hon'ble High Court of Delhi has mentioned that it is urgent to defray the dues payable to the Security Agency because the Security Agency providing services has removed the guards from the Project site.

2. On such mentioning being made by the RP Counsel, Urban Improvement Trust (UIT), Rajasthan Government Agency has stated that it has already challenged the minutes on which this RP Counsel obtained an order from the

Hon'ble High Court of Delhi, because UIT has never given approval to the minutes.

3. The UIT Counsel says that the Authorized Representative has voted to the minutes with regard to the costs the RP referring even without taking approval from UIT representing 54% of voting in the CoC, therefore such minutes cannot be construed as binding upon UIT.

4. These two applications, against which urgent hearing order obtained from honorable High Court of Delhi, being aimed at UIT having 54% voting and PNB having only 4% claim against the corporate debtor, we are of the view that it is not correct to pass ex-parte orders without hearing UIT Authorities and PNB Officials.

5. Moreover on verification of these applications, we have not come across any proof reflecting number of guards and their names maintained by the RP and other details of costs mentioned in the applications. As to the minutes portrayed as approved by UIT, it has questioned its veracity. When UIT is asked to file reply within one week, the counsel has mentioned that since lockdown is in force in Rajasthan until 2nd May, 2021, it needs sometime to file its reply.

4. In view thereof, UIT and PNB are directed to file their replies within two weeks from hereof. List the matter for further hearing on **04.05.2021**.

SD/-

**(B.S.V PRAKASH KUMAR)
ACTG. PRESIDENT**

SD/-

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