

**IN THE NATIONAL COMPANY LAW TRIBUNAL**

**NEW DELHI, COURT - II**

**Item No. 308**

**(IB)- 1781(ND)2018**

**IA/3371/2020, IA/3896/2020, IA/3898/2020, IA/3912/2020, IA/4461/2020**

**IA/4491/2020**

**IN THE MATTER OF**

**M/s. Indu Kumar & Ors.**

**...Applicant/Petitioner**

**Versus**

**M/s. Saha Infratech Pvt. Ltd.**

**...Respondent**

**SECTION : 7 of IBC, CODE, 2016**

**Order Delivered on 19.10.2020**

**CORAM:**

**CH. MOHD. SHARIEF TARIQ  
HON'BLE MEMBER (J)**

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

**PRESENT:** Mr. Amulya Dhingra, Mr. Diwakar Singh, Mr. Sandeep Kalhan, Mr. Sumeet Kalhan, Mr. Saurabh Suman Sinha, Mr. Sunil Fernandes, Mr. Siddhart Sharma, Mr. Darpan Sachdeva, Mr. Shubham Sharma, Mr. Sindhu Sinha, Mr. Karan Malhotra, Mr. Bhavya Sethi, Ms. Snehasish Mukherejee, Mr. Bhavya Sethi, Mr. Ashish Dhawan, Mr. Raghvendra Mohan Bajaj, Mr. Nikhil Bamal, Mr. Abhijeet Sinha

**ORDER**

**IA/3371/2020 & IA/3912/2020:** The Counsel for the Applicant is present and prayed for appointment of new RP on the grounds that the IRP Mr. Arun Jain who was appointed vide Order dated 28.02.2020 of this Tribunal has failed to take charge of the Corporate Debtor. He has neither made the public announcement of the CD being under CIR Process nor formed the CoC till date. Further, it has been brought to our notice that an email dated 19<sup>th</sup> June, 2020 sent by the IRP Mr. Arun Jain to the Office of the Counsel for the Applicant has recorded that he had filed an Application before this Authority for Appointment of an alternative RP. Whereas, it does not appear that any such Application has been filed before this Authority. It appears from the conduct of the IRP Mr. Arun Jain that the Order of CIRP admission dated 28<sup>th</sup> February, 2020 passed by this Authority has been completely flouted and therefore, he should explain the reasons as to why the contempt proceeding should not be initiated against him. The IRP Mr. Arun Jain is present in person. He is directed to file a short Affidavit to explain the reasons for not

initiating CIRP till date against the CD and the reasons why he could not inform this Authority about the same. The above said Affidavit shall be filed by the RP, Mr. Arun Jain on or before 23<sup>rd</sup> October, 2020.

List the matter on 26<sup>th</sup> October, 2020.

**IA/3896/2020:** The Counsel for the Applicant is present. Matter stands adjourned.

**IA/3898/2020:** The Counsel for the Applicant is present. Matter stands adjourned.

**IA/4461/2020:** The Counsel for the Applicant is present. He prayed to implead him in IB-1781(ND)2018.

List the matter on 26<sup>th</sup> October, 2020.

**IA/4491/2020:** The Counsel for the Applicant is present. The Registry is directed to issue notice to the Respondents. The Counsel for the Applicant is permitted to serve private notice on the Respondents by all modes and file a proof of service along with an Affidavit on or before the next date of hearing.

List the matter on 26<sup>th</sup> October, 2020.

—sd—

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

—sd—

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