

NATIONAL COMPANY LAW TRIBUNAL

NEW DELHI BENCH

(IB)-229(ND)/2017

CORAM:

**PRESENT: MS. DEEPA KRISHAN
HON'BLE MEMBER(T)**

**MS. INA MALHOTRA
HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW
DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON
08.02.2018**

**NAME OF THE COMPANY: Davinder Kumar Ahluwalia & Anr. V/s. M/s.
Summit Aviation Pvt. Ltd.**

SECTION OF THE COMPANIES ACT: 7 of IBC, 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
	For the Petitioner:	Mr. Abhishek Anand and Mr. Anant A. Pavgi, Advocates		
	For the Respondent:	Mr. Neeraj Bhatia Advocate for R-1 Mr. Simran Jyot Singh, Mr. Sahil Gupta, Advocate for R-2		

ORDER

The present application has been filed under the provision of Section 19(3) and Section 17 of the IBC. Pursuant to the notice issued, Counsel for Respondent no. 2 is also present. Mr. Devula, Dy. Director from the office of the DGCA is also present. It is submitted by the Ex-Director present in person that one helicopter is parked at Sahastradhara in Dehradun. The engine of the helicopter was required to be repaired and was sent back to the manufacturer, M/s. Aerotile Malta. In lieu thereof, another engine was provided to carry out the necessary operation. Upon CIRP being initiated, a communication was sent to the Malta to return the original engine to be entrusted to the RP in this case. The repaired original engine is likely to be received and shall be reinstalled in the engine within a week. Report with respect to the receipt of the repaired engine under operation with SAR Aviation shall be given to this Court.

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It is further submitted on behalf of the Respondent no. 3, DGCA that only the helicopter in possession of SAR Aviation is duly licensed by them.

Other two helicopters, as per their records are not leased out to any other company. Respondent no. 4 has the possession of helicopter which is in operation and is parked in Haridwar. The 3rd Helicopter has been taken into custody by the RP.

It is also submitted by the Ex-Director that the communication of the RP with the DGCA has resulted in removal of the maintenance team, without which the helicopter cannot be transferred or brought back to Delhi.

In view of the same, list this case on 16th February, 2018.

The RP is directed to consider any further direct proposal for tendering the bid in the expression of interest. It is being made clear that the said efforts should be for upfront payment with the deposit of 10% as the deposit of the earnest money.

-S-d-11

(Deepa Krishan)
Member (T)

-S-d-11

(Ina Malhotra)
Member (J)