

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**PRINCIPAL BENCH**

**(IB)-23(PB)/2017**

**IN THE MATTER OF:**

Alchemist Asset Reconstruction Co. Ltd. (AARC) .... Applicant  
Vs.  
Hotel Gaudavan Pvt. Ltd. (HGPL) .... Respondent

**Order under Section 7 of Insolvency & Bankruptcy Code, 2016**

**Order delivered on 11.01.2018**

**Coram:**

**CHIEF JUSTICE (Retd.) M.M.KUMAR**  
**Hon'ble President**

**S.K. MOHAPATRA**  
**Hon'ble Member (T)**

For the Applicant/Petitioner

:

Shri K. Datta, Advocate, Ms. Saurav Kalia, Mr. Ashu Kansal, Ms. Shantanu Parashar, Advocates

For the Respondent:

Shri Vikram Singh, Advocate for Suspended Directors (HGPL)

For the Financial Creditor:

Shri Abhirup Dasgupta, Ms. Swati Sharma, Ms. Manmayi Sharma, Advs.

**ORDER**

**C.A. No. 11(PB)/2018 & C.A. No. 12(PB)/2018**

As per the order passed on the last date of hearing Respondent Nos. 1 to 4 namely Harendra Singh Rathore, Mr. Lokendra Singh Rathore, Mr. Dependra Singh Rathore and Ms. Mohan Kanwar Rathore were directed to remain present personally. The necessity of their personal presence was felt because in a matter where the resolution plan has been accepted which was filed by JFC Finance (India) Limited vide a detailed order passed on 13.12.2017, the erstwhile management-Respondent Nos. 1 to 4 is again making an attempt to mislead the authorities in Rajasthan or elsewhere by sending letters to them asserting that period of moratorium is over and the erstwhile management has to come back to be the real management of the Hotel Gaudavan Private Limited. Such a stand fall foul of the basic statutory provisions of the Insolvency and Bankruptcy Code, 2016 (for brevity 'the Code') and it amounts to making mockery of law.

Mr. Vikram Singh learned counsel appearing for Respondent Nos. 1 to 4 undertakes that Respondent Nos.1 to 4 shall be produced before this

Tribunal on the next date of hearing. Taking notice of the undertaking given by Mr. Singh, we defer the hearing to 24.01.2018.

In the meanwhile, the Branch Manager, State Bank of India (Earlier SBBJ), Shiv Road, Jaisalmer (email id contactcentre@sbi.co.in), Current Account No. 51009201029, State Bank of India (Earlier SBBJ), IFB Branch, Gopal Bari, Jaipur, Account No. 51014052636, Punjab National Bank, Jaisalmer, Account No. 3905002100005148, Bank of Baroda, Shiv Road, Jaisalmer, Account No. 0850200000435, ICICI Bank, C Scheme, Jaipur, Account No. 001205004151, ICICI Bank Ltd. Jaisalmer, Account No. 6822205110310, HDFC, Jaisalmer, Account No. 28052320000120, Axis Bank Ltd. Main Branch, Ashok Marg, Jaipur, Account No. 311003901, Registrar of Companies, Jaipur, Mr. Manoj Kumar Vyas, Principal Secretary, Law and Legal Affairs, State of Rajasthan (email id law.dept@rajasthan.gov.in) and other authorities to whom the copies have been marked like Dr. Kailash Chandra Atwasia, Joint Secretary, Law & Legal Affairs, State of Rajasthan, Director General of Police, State of Rajasthan, Commissioner of Police, Jaipur, Rajasthan, Superintendent of Police, Jaipur, Rajasthan, Superintendent of Police, Jaisalmer, Rajasthan, Station House Officer, Vaishali Nagar, Jaipur, Rajasthan, Station House Officer, Sadar-Kotwali, Jaisalmer, Rajasthan are restrained from acting on the letters sent by Respondent Nos. 1 to 4 as the aforesaid letters are prima-facie suffer from fundamental illegality and are to the detriment of the procedure provided in the Code whereby the applicant, JFC Finance (India) Limited has now step in the shoes of erstwhile management. The erstwhile management has nothing to do with the Hotel Gaudavan Private Limited. We further clarify that if the aforesaid authorities have acted in any manner on such letters by freezing the account or otherwise then the same shall be undone. No effect should be given to any such letters sent by Respondent Nos. 1 to 4.

A copy of the order be given dasti under the signatures of the Bench officer.

List the matter on 24.01.2018.

Sd/-

**(M.M. KUMAR)**  
**PRESIDENT**

Sd/-

**(S.K. MOHAPATRA)**  
**(MEMBER TECHNICAL)**

**11.01.2018**  
**Vineet**