

IN THE NATIONAL COMPANY LAW TRIBUNAL : NEW DELHI

SPECIAL BENCH

(IB)-23 (PB)/2017

IN THE MATTER OF:

Hotel Gaudavan Private Limited (HGPL)

.....APPLICANT

Vs.

Alchemist Asset Reconstruction Limited

..... RESPONDENT

SECTION :

Under Section 7 of Insolvency  
& Bankruptcy Code, 2016

Order delivered on 07.7.2017

Coram :

R. VARADHARAJAN,  
Hon'ble Member (Judicial)

DEEPA KRISHAN,  
Hon'ble member (Technical)

For the Petitioner /Applicant

: Mr. Abhirup Dasgupta, Advocate for F.C

For the Respondent

: Mr. Milind Garg, Advocate, for R-1

Mr. Abhishek Singh, Advocate

Ms. Azra Rehman, Advocate – for Corporate  
Debtor & Respondents (Directors)

ORDER

Learned Counsel for the parties are present.

Mr. K. Dutta, Ld. Counsel for the petitioner represented the reply of the respondent as directed by the Hon'ble Principal Bench is yet to be filed. Further, it is also pointed out that the respondents, namely, Ms. Mohan Kanwar , Mr. Lokendra Singh Rathore & Mr. Deependra Singh Rathore, who



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were required to be personally present before this Bench and that they are not to be seen i.e. physically present.

In relation to the reply which is to be filed, the Ld. Counsel for R-1, being the Counsel for Arbitrator submits that only yesterday (06.7.2017), an additional affidavit along with documents has been served and in the circumstances, he would be needing some more time to file a comprehensive reply after perusing the additional affidavit as well as the documents annexed therewith.

For the same reason, it is represented by the Ld. Counsel for R-2 to R-5 that reply was not filed and in the circumstances, they would be needing some more time to file the reply to the above application.

In relation to the absence of the persons above named, who as per the earlier order passed by the Hon'ble Principal Bench, were required to be personally present, this Tribunal takes very serious note of their absence, despite specific directions given for their presence.

However, taking into consideration the interest of justice, one last opportunity is accorded to the above persons, namely, Ms. Mohan Kanwar , Mr. Lokendra Singh Rathore & Mr. Deependra Singh Rathore to appear and be present before this Tribunal when the matter is listed on 13.7.2017, failing which, the law will take its course.

In the meanwhile, all the respondents will file their respective replies within a period of one week from today with an advance copy, being served on the Counsel for the Insolvency Resolution Professional, failing which, they will lose their right to file their reply.

List on 13.7.2017

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**CA No.182(PB)/2017 :**

In relation to this application, Learned Counsel for the respondent represents that the reply as directed by the Hon'ble Principal Bench has been filed. However, Ld. Counsel for the Insolvency Resolution Professional seeks some time to file the rejoinder to the said reply. A week's time is granted to file the rejoinder.

Let the matter be posted for arguments on 13.7.2017.

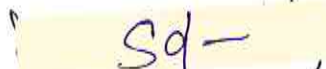
**CA No.87 (PB)/2017 :**

Learned Counsel for the Insolvency Resolution Professional represented that the post dated cheques issued by the Respondent No.8 has been deposited during the course of the day and the fate of it whether it has bounced or encashed will be known only at the end of the day in the evening and in the circumstances, it is represented that the matter may be adjourned for reporting the fate of the cheques deposited to the next date of hearing and that a report will be filed to the said effect. Let the report be filed on or before 13.07.2017.

**CA No.136 (PB)/2017**

Learned Counsel, who appears for the Lawyer to whom fees had been paid and who is required to confirm about the particulars as to whether it pertains to services rendered prior to 31.3.2017 or subsequently states that details are awaited. In the circumstances, some more time is granted to the said request and let the necessary particulars be submitted before this Tribunal without fail during the course of next hearing on 13.7.2017.

  
(DEEPA KRISHAN)  
MEMBER (TECHNICAL)

  
(R. VARADHARAJAN)  
MEMBER (JUDICIAL)

Surjit  
07.7.2017