
(2022) 04 NCLT CK 0045
In the National Company Law Appellate Tribunal
Case No : ?C.P. (IB) 1293/2018

?Raj Vij

APPELLANT

Vs

Marketing Times Automobiles

RESPONDENT

Date of Decision : 12-04-2022

Acts Referred:

Citation : (2022) 04 NCLT CK 0045

Hon'ble Judges : Dharminder Singh, Member (J); Sumita Purkayastha, Member (T)

Bench : Division Bench

Advocate : Sameer Abhyankar, Abhinav Mishra, Prashant Mehta, Raghav Marwaha, Rakesh Kumar, Preeti Kashyap, Ankit Sharma, Ekta Choudhary, Rajat Joneja

Final Decision : Disposed Of

Judgement

IA No. 3478/ND/2021:

Application has been filed on behalf of liquidator for inspecting certain documents. Learned Counsel for the Central Bank of India stated that she has no objection, if the documents are required to be inspected, liquidator is free to inspect the document on any working day.

Accordingly, the present application stands disposed of.

IA No. 5002/ND/2021

This application has been filed on behalf of Mr. Tarun Garg. Reply on behalf of respondents No. 1 and 2 has been filed.

Let the application be fixed for arguments as Learned Counsel for the applicatiot stated that he does not wants to file rejoinder in the present matter

IA No. 5524/ND/2021:

This application has been filed on behalf of Central Bank of India for setting

aside private sale conducted by the liquidator of property under equitable mortgage of the applicant bank. Learned Counsel for the liquidator stated that the private sale has already been set aside and liquidator is reauctioning the property. In view of the statement made by the Learned Counsel, the present application stands infructuous.

IA No. 5332/ND/2021:

This application has been filed on behalf of Central Bank of India for change of liquidator Mr. Subramanian Natarajan and appoint Mr. Anil Kohli or any other person as liquidator in the present matter in view of fraud and mis-conduct done by him.

Let the reply of the present application be filed within seven days, failing which, the right to file reply stands closed. No further opportunity shall be given for the same purpose.

This application has been filed on behalf of M/s Vastu Star Trading Pvt. Ltd. Through Mr. Naveen Aggarvval, one of the Director with following prayer

to pass an order/ decree of specific performance to register the sale deed in favour of the applicant in respect of the said property bearing No. 40/2, in Block 'E' measuring 1008.3 Sq. Yards, situated at Okhla Area, Phase-A New Delhi

to pass an order/ decree of mandatory injunction directing the respondents No. 1 and 2 to register the sale deed in favour of the applicant.

Learned Counsel for the applicant states that in view of the IA No. 3524/ND/2021, he want to withdraw IA No. 1913/ND/2022. In view of the statement made by the Learned Counsel for the application, the present application stands dismissed as withdrawn.

IA No. 3524/ND/2021:

This application has been filed on behalf of M/s Vastu Star Trading Pvt. Ltd. against the the liquidator The following prayer has been made:

(a) Pass an order directing the Respondents not to interfere in the peaceful and vacant possession of the property bearing noE-40/ 2 in Block 'E' admeasuring 0.084 HTR, Situated at Okhla Industrial Area, Phase -II, New Delhi -110020.

(b) Directing the Respondents to maintain status quo in respect of the property bearing no.E-40/2 in Block 'E' admeasuring 0.084 HTR, Situated at Okhla Industrial Area, Phase -II, New Delhi -110020.

(c) Alternatively and without prejudice to the above and in the eventuality that Respondents somehow takeover the illegal and unlawful possession of the said property bearing no E-40/2 in Block 'E' admeasuring 0.084 HTR, Situated at Okhla Industrial Area, Phase -II, New Delhi -110020. directing the respondents to handover the vacant and peacefull possession of the said property to the applicant herein.

(d) Directing the Respondents to exclude the said property from the liquidation estate of the Corporate Debtor. 8

(e) Directing the Respondents not to take any coercive action in pursuance of any alleged claims of the Respondents qua the said property.

(f) Pass an order/ decree of specific performance to register the sale deed in favour of the Applicant in respect of the said property bearing no.E-40/2 in Block 'E' admeasuring 0.084 HTR, Situated at Okhla Industrial Area, Phase -A New Delhi -II0020E-'40/ 2 in Block 'E' admeasuring 0.084 HTR, Situated at Okhla Industrial Area, Phase -II, New Delhi -110020.

Learned Liquidator has already filed reply in the present application. Last opportunity is granted for filing reply to the rest of the respondents within seven days, failing which, the rights stands closed. No further opportunity is given whatsoever reason is there.

Let all these application be fixed for 20.05.2022.