

IN THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH (COURT – II)
(Through Hybrid Mode)

Item No. 106

IA(I.B.C)/2555(CH)2023
IA(I.B.C)/941(CH)2024
IA(I.B.C)/1115(CH)2024
IA(I.B.C)/1506(CH)2024
And

IN THE MATTER OF:
Vikas Mittal

CP (IB) No. 134/Chd/Hry/2021

...Petitioner-Financial Creditor

Versus

**M/s Swatik Homebuild Pvt.
Ltd.**

...Respondent-Corporate Debtor

Under Section: 7, 60(5), 65 IBC 2016
Rule: 11 of NCLT Rules, 2016

Order delivered on 11.07.2024

CORAM:

**SHRI. UMESH KUMAR SHUKLA,
HON'BLE MEMBER (T)**

**SHRI. HARNAM SINGH THAKUR,
HON'BLE MEMBER (J)**

PRESENT:

For the Petitioner and Applicant in IA No.941/2024 and Respondent in IA No.2555/2023 : Mr. Rahul Bhardwaj, Advocate

For the Respondent : Mr. Akhil Shankhwar, Advocate

For the Intervener : Mr. Kevin Chadha with Mr. Angad Varma and Mr. Prashant Kumar, Advocates

ORDER

IA(I.B.C)/2555(CH)2023

Reply has been filed. Let this matter be listed on 21.08.2024 for arguments.

July 11, 2024
Mamta

IA(I.B.C)/941(CH)2024

This application has been filed under Rule 11 of the NCLT Rules, 2016 for change of the proposed IRP, but it transpires that the 'AFA' of the IRP is valid up to 02.06.2024. Therefore, learned counsel for the Applicant is directed to place the valid 'AFA' of the proposed IRP within one week.

Let this matter be listed on 21.08.2024.

IA(I.B.C)/1115(CH)2024

This is an application filed by respondent-corporate debtor for setting aside ex parte order dated 22.02.2024. A date is requested by learned counsel for the petitioner for filing the reply. Let the same be filed within one week with a copy in advance to the counsel opposite.

Let this matter be listed on 21.08.2024 for arguments.

IA(I.B.C)/1506(CH)2024

This is an application filed under Section 65 of the Insolvency and Bankruptcy Code 2016 read with Rule 11 of the NCLT Rules 2016 on behalf of the Corporate Debtor (already ex parte) seeking dismissal of the petition under Section 7 of the Insolvency and Bankruptcy Code 2016 filed by the Financial Creditor. This application has been filed on 02.07.2024 when the respondent is already proceeded ex parte vide order dated 22.02.2024. As the ex parte order has not been set aside, so this application is not maintainable. Thus, IA(I.B.C)/1506(CH)2024 is dismissed.

Sd/-

**(UMESH KUMAR SHUKLA)
HON'BLE MEMBER (T)**

July 11, 2024
Mamta

Sd/-

**(HARNAM SINGH THAKUR)
HON'BLE MEMBER (J)**