

IN THE NATIONAL COMPANY LAW TRIBUNAL: CHANDIGARH BENCH

COURT No.1

(through hybrid mode)

ITEM No. 105

CP (IB) No. 269/Chd/Hry/2023

IN THE MATTER OF:-

Nita Jha

...Petitioner

Versus

Deutsche Bank AG

...Respondent

Under Section: 94, IBC 2016

Order delivered on 08.05.2024

CORAM:

**SH. UMESH KUMAR SHUKLA
MEMBER (TECHNICAL)**

**SH. HARNAM SINGH THAKUR
MEMBER (JUDICIAL)**

PRESENT:

For the petitioner : Mr. G. S. Sarin, PCS

For the RP-in-person : Mr. Tanveer Ilahi

For the financial : Ms. Nikita Capoor, Advocate

creditors : Mr. Arpit Chawla, Advocate for Punjab National Bank

Mr. Mohit Uppal, Advocate for IIFL

ORDER

Affidavit of service has been filed by Mr. G.S. Sarin vide Diary No.3545/2 dated 07.05.2024. The same is taken on record. It is stated by Id. counsel for the petitioner that a possession notice has been issued by the Naib Tehsildar-cum-Executive Magistrate for tomorrow which cannot be done under Section 96 of the Code. On the other hand, it is stated by Id. counsel for Punjab National Bank that Section 96 is not applicable to the case in hand. It is stated by Id. counsel for the Punjab National Bank that the sale certificate has been issued in favour of Smt. Manjesh and Sh. Sunil Dahiya, moreover, the petitioner has also filed the Securitization Application but that matter is still pending before DRT-1, Delhi and no further order has been passed and it is also stated in the order dated 24.04.2023 passed by DRT-1 Delhi, that matter is subjudice before NCLT. In these circumstances, Authorised Representative for the

petitioner is directed to implead Smt. Manjesh and Sh. Sunil Dahiya as respondent in CP (IB) No.269/Chd/Hry/2023 in whose favour the sale certificate has been issued, within two days and supply them the copy of the petition as well as the additional affidavit which is filed today before this Bench vide Diary No.3545/2 dated 07.05.2024 and Smt. Manjesh and Sh. Sunil Dahiya are directed to file counter-affidavit to the affidavit filed by Id. PCS for the petitioner for not taking physical possession which is fixed for today. In the meantime, Id. counsel for the Bank is also directed to file counter-affidavit, if any, along with short written submissions indicating whether Section 96 of the code is applicable to the facts and circumstances of the case in hand or not. Let the same be done within one week.

The notice for the physical possession, that is fixed for tomorrow be deferred till next date of hearing.

In the meantime, the RP-in-person is directed to supply the copy of the report today and Id. counsel for the financial creditors are directed to supply their e-mails in the chat box. Authorised representative for the petitioner is directed to supply the copy of the petition to the opposite side. Id. counsel for the financial creditors are directed to file objection if any, against the report/petition within one week with a copy in advance to the counsel opposite. Let the matter be listed on 16.05.2024, in the supplementary list.

Sd/-
(UMESH KUMAR SHUKLA)
MEMBER (TECHNICAL)
Tanvi

Sd/-
(HARNAM SINGH THAKUR)
MEMBER (JUDICIAL)