

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT – II)

Item No.206
IB-82/ND/2023

IN THE MATTER OF:

Assets Care & Reconstruction ... **Applicant/Petitioner**
Enterprise Ltd.

Versus

Mr. Aunirban Saha ... **Respondent**

Under Section: 95 of IBC, 2016

Order delivered on 09.05.2024

CORAM:

SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (J)

SH. SUBRATA KUMAR DASH
HON'BLE MEMBER (T)

PRESENT:

For the Applicant :

For the RP : Adv. Parish Mishra along with RP in person

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

When it is the argument put forth by the Ld. Counsel appearing for the Personal Guarantor that in the wake of the order passed by Hon'ble NCLAT, this Adjudicating Authority cannot further proceed with the matter, without considering his objections to the appointment of RP, in terms of the provisions of Section 97 of IBC, 2016. Mr. Gaurav Mitra, Ld. Counsel appearing for the Applicant submitted that in the wake of the judgment of Hon'ble Supreme Court in W.P. (Civil) No. 1281 of 2021 titled Dilip B. Jiwrajka vs. Union of India & Ors., the PG has no right to address this Tribunal at the stage where the issue regarding appointment/continuation of RP has to be determined. There is no assistance from the Ld. Counsel for the RP in the matter. Nevertheless, as prayed by Ld. Counsel appearing for the Applicant and the Personal Guarantor, the hearing is deferred to 22.05.2024.

On the next date of hearing, the Ld. Counsels for the parties should remain present physically.

List on 22.05.2024.

Sd/-
(SUBRATA KUMAR DASH)
MEMBER (T)

Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (J)