

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

Item No. 210, 211, 223
IB-79/ND/2023
IB-82/ND/2023
IA- 3186/2024 in IB-78/ND/2023

IN THE MATTER OF IB-79/ND/2023:

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

Versus

Mr. Aniel Kuumar Saha ... **Respondent**

IN THE MATTER OF IB-82/ND/2023:

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

Versus

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

IN THE MATTER OF IB-78/ND/2023:

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

Versus

Ms. Neeta Saha ... **Respondent**

Under Section: 95 of IBC, 2016

Order delivered on 01.07.2024

CORAM:

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

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

PRESENT:

For the Respondent : Adv. Rajat Bhardwaj, Adv. M. Bhardwaj,
Adv. Yogesh Kumar, Adv. Kaustubh Khanna
For the RP : Adv. Parish Mishra, Mr. Anup Kumar (RP in
person)

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

Ld. Counsels for the parties are ad idem that the three matters are connected. The Ld. Counsel appearing for the Personal Guarantor in IB-78/ND/2023 (Listed at serial No. 223) submitted that he has not yet received the copy of IA-3186/2024 and would need time to file reply thereto. Mr. Gaurav Mitra, the Ld. Counsel appearing for the creditor would ensure that the copy of the application is made available to Ld. Counsel for the Personal Guarantor during the course of the day who will have one week time to file reply to the application.

The Ld. Counsel appearing for the RP submitted he has already moved an application before Hon'ble NCLAT, seeking clarification that after the Judgment passed by Hon'ble Supreme Court in *Writ Petition (Civil) No. 1281 of 2021 in Dilip B Jiwarajka vs. Union of India & Ors* there should be no bar to the RP to file his report in the matter. As prayed by the Ld. Counsel appearing for the RP as also by Personal Guarantor, the hearing is deferred to 21.08.2024.

Interim order already passed in IA-3186/2024 would remain in operation till next date of hearing.

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

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