

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI

COURT-VI

**Item No. 618
IB-204/ND/2021**

**IN THE MATTER OF:
Union Bank Of India**

...PETITIONER

Vs.

M/s. Supertech Ltd.

...RESPONDENT

**Section
U/s 7 of IBC, 2016**

**Order delivered on 10.05.2022
(Virtual Hearing)**

Coram:

**SHRI P.S.N. PRASAD, HON'BLE MEMBER (JUDICIAL)
SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)**

For the Petitioner/Financial Creditor :Mr. Alok Kumar, Mr. Somya Yadava, Mr Manan Gambhir, Mr. Nikhil Malhotra & Ms. Garima Soni, Advocates.

For the Applicant :Adv. Pardeep Dahiya, in IA No. 1978/2022.

For the IRP :Mr. Bishwajit Dubey, Ms. Srideepa Bhattacharyya, Ms. Neha Shivhare, Advocates for the IRP, Mr. Hitesh Goel.
Mr. Mareesh Pravir Sahay, Ms. Eccha Shukla, Ms. Awanitika And Mr. Sachin Kharb, Advocate in IA/2161/2022.

For the Respondent/Corporate Debtor :Mr. Ajay Bhargava, Adv., Ms. Wamika Trehan and; Ms. Maithili Moondra, Advocates for R2 (L & T Finance Ltd.).

ORDER

IA/2161/2022.

(Meenu)



This is an application under Section 60(5) of IB Code, 2016 read with Rule 11 of NCLT Rules, 2016 read with Section 151 of CPC.

Having heard the submissions made by the Counsel, liberty is granted to the Counsel to withdraw the present application and raise her claim/grievance with the IRP appointed in the matter, therefore this application is disposed of as withdrawn.

IA/2028/2022.

This is an application on behalf of the IRP under Section 60(5) of IB Code, 2016 seeking directions of this Hon'ble Tribunal in relation to the demand of payment by the District Magistrate (Dadri) Gautam Buddha Nagar, Uttar Pradesh - 203207 due to dishonour of cheques by the erstwhile management of M/s. Supertech Limited alongwith supporting affidavit.

We have heard the submissions made by the Learned Counsel for RP. It clearly transpires from the demand notice issued by the District Magistrate that he is acting in pursuance to the directions of the Hon'ble High Court given to the District Magistrate in the matter. Therefore the Interim Resolution Professional is directed to immediately approach the concerned High Court and move an appropriate application as to how and why action cannot be initiated against him in terms of the provisions of IB Code read with relevant Rules and Regulations thereof. IRP being an Officer appointed by the Court for the purpose of CIRP, cannot be subjected to any kind of coercive action, therefore the District Magistrate is restrained from taking coercive action against Mr.

(Meenu)



Hitesh Goel, IRP of Supertech Limited. The IRP may take all necessary steps before the High Court to enable High Court to give appropriate directions to the District Magistrate in this matter. Dasti of this order is allowed. The IA/2028/2022 stands disposed of with the above directions.

IA/1978/2022.

Heard the submissions made by the Learned Counsel for the Applicant as well as Learned Counsel for the RP and Learned Counsel for L & T Finance Limited. The Learned Counsel for the Applicant is directed to file the basic agreement with the L & T Finance and make a copy of the same available to the Counsel for the RP as well as Counsel for the L & T Finance Ltd. Three days' time is granted to the Counsel for the L & T Finance Ltd. to file vakalatnama and ten days' time is granted for filing the reply. L & T Finance Limited is directed not to take any coercive action/steps in connection with the notice dated 19.04.2021 from today till the next date of hearing. List this IA on **30.05.2022.**


(Rahul Bhatnagar)
Member (T)


(P.S.N Prasad)
Member (J)