

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**COURT-V**  
**(Division Bench)**

**Item No.-510**

(IB)-264(PB)/2023

New IA/4315/2023, New IA/4361/2023, IA/3101/2023

**IN THE MATTER OF:**

Go Airlines (India) Limited

**....Applicant**

**SECTION**

U/s 10 of IBC, 2016

**Order delivered on 17.08.2023**

**CORAM:**

**SHRI MAHENDRA KHANDELWAL,  
HON'BLE MEMBER (JUDICIAL)**

**SHRI RAHUL BHATNAGAR,  
HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant : Mr. Promod Nair, Sr. Adv. with Mr. Antony R. Julian,  
Mr. Saurabh Balwani, Mr. Chirag Pathor, Adv. in New  
IA/4361/2023 & New IA/4315/2023  
Mr. Naman Joshi, Ms.Ritika Vohra, Adv. in  
IA/3101/2023

For the Respondent :

For the RP : Ms. Pratiksha Mishra

**ORDER**

**New IA/4315/2023:-**

Heard the submissions made by Ld. Sr. Counsel for the Applicant who submitted that this application has been wrongly filed and has become infructuous in view of the application i.e. New IA/4361/2023. This application i.e. New IA/4315/2023 is **dismissed as infructuous.**

**New IA/4361/2023:-**

This is an application filed under Section 65 of the IBC, 2016 read with Rule 11 of NCLT Rules, 2016 seeking direction including declaration that the present insolvency proceedings under Section 10 of the

IBC was initiated with fraudulent and malicious intent by the Corporate Applicant. Heard the submissions made by Ld. Sr. Counsel for the Applicant. Ld. Counsel on behalf of the Respondent (Resolution Professional) is also present. He accepts notice on behalf of the Resolution Professional and sought time to file reply. The Applicant is directed to provide a copy of the application along with all annexures to Ld. Counsel for the Resolution Professional. Resolution Professional may file their reply within a period of two weeks and thereafter rejoinder by the Applicant, if any, within one week. List the application on **11.09.2023**.

**IA/3101/2023:-**

Ld. Counsel for the Applicant and Ld. Counsel for the Resolution Professional are present. Ld. Counsels for both the parties submitted that the settlement talks have failed. It is noticed that Resolution Professional has not file any reply so far on this application. Resolution Professional is directed to file their reply within a period of two weeks and thereafter rejoinder by the Applicant, if any, within a period of one week. List the application on **11.09.2023**.

**S/d-**  
**(RAHUL BHATNAGAR)**  
**MEMBER (T)**

**S/d-**  
**(MAHENDRA KHANDELWAL)**  
**MEMBER (J)**