

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI

COURT-V

(Division Bench)

Item No.-518

(IB)-264(PB)/2023

IA/594/2024, IA/1640/2024, IA/1318/2024, IA/1301/2024, IA/2850/2023,
IA/2944/2023, IA/3048/2023, IA/3254/2023, IA/3277/2023, IA/3280/2023,
IA/3316/2023, IA/3472/2023, IA/3481/2023, IA/3942/2023,
Int. Pet.-68/2023, IA/3101/2023, IA/4361/2023, IA/5973/2023

IN THE MATTER OF:

Go Airlines (India) Limited

....Applicant

SECTION

U/s 10 IBC

Order delivered on 11.07.2024

CORAM:

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

**Dr. SANJEEV RANJAN,
HON'BLE MEMBER (TECHNICAL)**

PRESENT:

For the Applicant : Mr. Naman Joshi, Mr. Shivam Gera, Ms. Ritika Vohra,
Mr. Guneet Sidhu, Mr. Rahul, Advs. in
Int. Pet.-68/2023, IA/3101/2023
Mr. Nimish Vakil, Mr. Pai Amit, Ms. Bhavana Duhoon,
Ms. Pankhuri Bharadwaj, Mr. Anshul Syal, Advs. in
IA/3316/2023
Mr. Anandh Venkatramani, Mr. Saket Sathapathy, Mr.
Rishit Vimadalal, Mr. Anubhav Dutta, Mr. Varun
Gupta, Mr. Ojusvi Chauhan, Advs. in IA/3048/2023
Mr. Aditya Kapur, Ms. Shubhangi Jain, Advs. in
IA/3472/2023, IA/3481/2023
Ms. Neha Mathew, Mr. Shubhansh Thakur in
IA/594/2024
Mr. Harit Lakhani, Adv. in IA/2944/2023,
IA/3277/2023, IA/3280/2023
Mr. Sumit Chatterjee, Adv. in IA/4361/2023
For the Respondent : Ms. Shiva Lakshmi, CGSC, Mr. T. Hari Sudhan, Mr.
Rajdeep for R-2, 3 & 4 in IA/1318/2024
For the RP : Mr. Diwakar Maheshwari, Ms. Pratiksha Mishra, Mr.
Shreyas Endupuganti, Ms. Karunya Lakshmi, Advs.

HYBRID HEARING (PHYSICAL & VC)

ORDER

IA/594/2024:-

Ld. Counsel on behalf of Applicant and Ld. Counsel on behalf of Respondent(RP) is present and submitted that in terms of order dated 13.05.2024, they have filed their written submissions which are now available on the e-portal. Order in this matter is **reserved**.

IA/1640/2024:-

Ld. Counsel on behalf of Applicant is present and sought further time to file their rejoinder to the reply filed by the Respondent. Time prayed for is granted. Ld. Counsel on behalf of Respondent is present and their reply is now reflected on the e-portal. In view of request made by Ld. Counsel for the Applicant, list this application on **09.08.2024**.

IA/1318/2024:-

Ld. Counsel on behalf of Applicant is present and sought time for seeking instruction from their client. Ld. Counsel on behalf of RP (R-1) is present. In view of request made by the Ld. Counsel on behalf of Applicant, list this application on **09.08.2024**.

IA/1301/2024:-

No one is present on behalf of Applicant at the time of hearing of the matter. Ld. Counsel on behalf of Respondent(RP) is present and submitted that they have filed their reply. However, the same is not reflected on the e-portal. Ld. Counsel for the RP is directed to approach the Registry and cure the defects, if any, so that their reply is reflected on the e-portal. List this application on **09.08.2024**.

IA/3048/2023:-

This is an application filed under Section 60(5) of the IBC, 2016 read with Rule 11 of the NCLT Rules, 2016 seeking certain directions to the Respondent (RP). Heard the submissions made by Ld. Counsel on behalf of Applicant and Ld. Counsel on behalf of RP. The primary issue involved in this case is whether moratorium imposed vide order dated 10.05.2023 passed by this Adjudicating

Authority does not apply to the four engines of the Applicant in view of the notification issued by the Ministry of Corporate Affairs dated 03.10.2023 S.O. 4321(E) which was issued in exercise of the powers conferred under Section 14 (3) (a) of the IBC, 2016. It was brought to our notice that the judgment passed by the Delhi High Court on 26.04.2024 in WP(C) 6569 of 2023 and in the connected matters, wherein, the Hon'ble High Court in para 39.7 of their judgment has held that the said MCA notification shall have a retrospective effect, and thus moratorium does not apply to these four engines. In the light of the said judgment of the Hon'ble High Court, Ld. Counsel on behalf of RP submitted that they have no objection if the Applicant take back possession of these four engines. He also submitted that the process for giving possession of one engine is under way. Since the Ld. Counsel on behalf of RP has no objection if the Applicant takes back the possession of the engines, the present application is **disposed off** in terms of submissions made by Ld. Counsel for the RP in the light of Delhi High Court Judgment.

IA/3316/2023, IA/3472/2023, IA/3481/2023:-

Ld. Counsel on behalf of Applicant is present and sought time to seek instruction from their client. Ld. Counsel on behalf of RP is present. List this application on **09.08.2024**.

IA/4361/2023:-

Ld. Counsel on behalf of Applicant is present and submitted that they have filed an application for withdrawal of the present IA. However, the same is not listed today. In view of this, list this application on **09.08.2024**.

Int. Pet.-68/2023:-

Ld. Counsel on behalf of Applicant is present and submitted that they have filed their written submissions in the application. However, the same are not reflected on the e-portal. Ld. Counsel on behalf of RP is present and their written submissions are reflecting on the e-portal. Ld. Counsel for the Applicant is directed to approach the Registry and cure the defects, if any, so that their written submissions will be reflected on the e-portal. List this application on **09.08.2024**.

IA/3101/2023:-

Ld. Counsel on behalf of Applicant is present and submitted that they have filed their written submissions. However, the same is not reflected on the e-portal. Ld. Counsel on behalf of RP is present and submitted that they have filed their written submissions and the same are available on the e-portal. Ld. Counsel for the Applicant is directed to approach the Registry and cure the defects, if any, so that their written submissions will be reflected on the e-portal. List this application on **09.08.2024**.

List all other IAs on **09.08.2024**.

Sd/-
(Dr. SANJEEV RANJAN)
MEMBER (T)

Sd/-
(MAHENDRA KHANDELWAL)
MEMBER (J)