

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

Item No. 102
B/617/ND/2022
IA/2789/2023, IA/3360/2023

IN THE MATTER OF:

Three c Green Developers Pvt. Ltd

... **Applicant/Petitioner**

Versus

Three c Infratech Pvt. Ltd.

... **Respondent**

Under Section: 7 of IBC, 2016

Order delivered on 12.07.2024

CORAM:

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

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

PRESENT:

For the Applicant : Adv. Mrinal Harsh Vardhan, Adv. Kailash Ram
Adv. Saurabh Kalia, Adv. Ridhima Verma,
Adv. Shashwat Tripathi, Adv. Madhu Ayachit in
IA-2789/2023

For the Respondent : Adv. Abhay Kaushik, Adv. Himani Babbar

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

IA-2789/2023: Ld. Counsel appearing for the Financial Creditor representative from RP could place before us a compilation of balance sheets for the year 2013-2014 and 2018-2019. Referring to the balance sheets for the year 2018-2019 he submitted that the corporate debtor acknowledged that it had taken advance loan from the financial creditor amounting to Rs. 42,28,37,000/-

However, Mr. Saurabh Kalia, Ld. Counsel appearing for the Applicant who has preferred IA under Section 65 of IBC, 2016 submitted that the name of the corporate debtor could be struck off from the Register of Companies in the year 2022 on the ground that the financial statements/return for the relevant period i.e. 2 years preceding the date of striking off the name of the CD from the Register of Companies were not filed. He disputed the genuineness of the

balance sheets. He also raised a plea that the said balance sheets are not on record and the documents handed over across the Bar cannot be relied upon, unless the other parties to the litigation are given opportunity to rebut the same. In the wake, the financial creditor is directed to place the balance sheets on record by way of affidavit within one week from today with advance copy to the Ld. Counsel appearing for the corporate debtor as also to Ms. Ridhima Verma the counsel appearing for the Applicant in IA-2789/2023.

List for further hearing on 08.08.2024.

It would be open to the Financial Creditor to place the additional documents on record to point out the role of the Applicant in IA-2789/2023 only by way of an application, with advance copy to Ld. Counsel appearing for the Applicant in IA-2789/2023 i.e. Moon Light Propbuild Private Limited within one week from today.

Reply to the IA, if any be filed within one week thereafter.

IA/3360/2023: List the IA on 08.08.2024.

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

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