

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

Item No. 103
(IB)-2240(ND)2019
IA-388/2022

IN THE MATTER OF:

M/s. Hi Tech Resource Management Limited ... **Applicant/Petitioner**

Versus

M/s. Overnite Express Limited ... **Respondent**

Under Section: 7 of IBC, 2016

Order delivered on 25.01.2022

CORAM:

SHRI. ABNI RANJAN KUMAR SINHA,
HON'BLE MEMBER (J)

SHRI. L. N. GUPTA,
HON'BLE MEMBER (T)

PRESENT:

Ms. Nibruti Samal and Mr. Ashish Tyagi - Counsels for the RP

ORDER

IA-388/2022- Heard the Ld. Counsel appearing for the Applicant, who referred to page no. 95 of the application to show that the name of one Mr. Ajay Kumar Agarwal has been approved by CoC to be the Authorised Representative of the Class of Creditors by having 54.50% votes. Ld. Counsel during the course of arguments further submitted that out of the total 22 unsecured creditors, only 03 secured creditors have cast their vote and out of the 03, only 02 have voted in favor of Mr. Ajay Kumar Agarwal (the other 01 have voted in favor of one Mr. Kailash Pati Todi) but we notice that the applicant has not enclosed any sheet to show how the percentage of votes have been calculated. We further notice that out of 22, only 03 persons have cast their vote, therefore, the remaining 19 persons, in our considered view are the necessary party in the proceedings.

Therefore, the applicant is directed to add those 19 unsecured creditors as party to this proceeding and file an additional affidavit to bring on the record how the voting percentages have been calculated. The applicant is directed to file the amended memo of parties within a week from today.

List the matter on 7th February 2022.

— sd —

(L. N. GUPTA)
MEMBER (T)

— sd —

(ABNI RANJAN KUMAR SINHA)
MEMBER (J)