

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-V

Item No.-514

IB-2728/ND/2019
New IA/1482/2021
IA/880/2021
IA 897/2021
IA/4477/2020

IN THE MATTER OF:

Om Logistics Ltd
V/s
Serval India Pvt Ltd

....Applicant

....Respondent

SECTION

U/s 9 IBC

Order delivered on 06.04.2021

CORAM:

SHRI ABNI RANJAN KUMAR SINHA
HON'BLE MEMBER (JUDICIAL)

SHRI K.K. VOHRA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : For Union Bank of India Intervener Adv. Nishi Chaudhary & Yashartha
Adv
For the Respondent : Adv. Chandrashekhar A. Chakalabbi for ICICI Bank

ORDER

IA/1482/2021

Issue notice upon the respondents by all modes including Email as well as through the process of this Bench. Affidavit of service must be filed within one week from today. List the matter on **29.04.2021**.

IA/880/2021

This is the application filed by the RP praying therein for the following reliefs:-

- (a) the plot in question situated at Plot S-15, Okhla Phase-II New Delhi-110020 as the asset of the Corporate Debtor.
- (b) To consider the valuation of the land for Information Memorandum.

LV



(c) Direct to the Land and Revenue Department and Deputy Director of Industries, Office of Commissioner of Industries, Delhi Administration, New Delhi to amend their records and addendum corporate debtor as owner and lawful possession holder of the aforementioned plot.

Heard, the Ld. Counsel for the RP. In course of hearing, Ld. Counsel for the RP informed that the RP has not approached the respondent no. 3 who is the competent authority under the law to decide this issue.

Considering this submission of the RP, we notice RP instead of filing a proper application before the Director of Industries, Delhi Administration, has directly approached this Adjudicating Authority for the said reliefs. In our considered view, there is a provision under the law to approach the competent authority for that purpose in respect of the property of the Corporate Debtor. Under such circumstances, it is the duty of the RP who took the possession of the CD in terms of the CIRP to approach the competent authority who is competent to pass order under the Act/Rule.

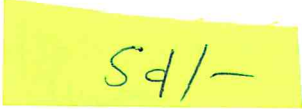
Hence, the RP is well advised to approach respondent no. 3 and file an appropriate application in respect of the facts mentioned in the application. With this order, the present IA stands **disposed off**.

IA 897/2021

It is the 3rd progress report submitted by the RP. The same is taken on record subject to just exceptions. With this order, the present IA stands **disposed off**.

IA/4477/2020

On the request of the Ld. Counsel for the respondent, list the matter on **13.04.2021**.


(K.K. VOHRA)
MEMBER (T)


(ABNI RANJAN KUMAR SINHA)
MEMBER (J)