

**BEFORE THE HON'BLE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH,
COURT – IV**

I.A. NO. 4176 OF 2022

IN

C.P. NO. (IB)- 275 / ND /2020

IN THE MATTER OF:

Sai Tech Medicare Private Limited

... Operational Creditor

VERSUS

Alchemist Limited

... Corporate Debtor

AND IN THE MATTER OF:

SUMIT RAJNIKANT MEHTA

...APPLICANT

VERSUS

**GAURAV MISRA,
RESOLUTION PROFESSIONAL
FOR ALCHEMIST LIMITED & ORS. .**

... RESPONDENTS

Order Delivered : 11.07.2024

CORAM:

**SHRI MANNI SANKARIAH SHANMUGA SUNDARAM,
HON'BLE MEMBER (JUDICIAL)**

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

CLARIFICATION

On perusal of the record, it is noted that Respondent No. 3 and Respondent No. 4 have not submitted their replies and have not been proceeded ex-parte by this Adjudicating Authority. Further, vide order dated 28.09.2022, Counsel for Respondent No. 3, Mr. Zorawar Singh appeared before this Adjudicating Authority and requested time to file Reply, however the same is yet not on record. Hence the matter is ***de-reserved*** for further hearing.

Additionally, ED has filed a Status Report dated 30.05.2024 in IA 1296/2024 along with the prayer under section 60(5) of the Insolvency and Bankruptcy Code, 2016 (IBC) detailing grave and substantiated accusations against members of the CoC and the RP of the Corporate Debtor.

It is seen from the record that the ED has prayed for –

- “1. To pass appropriate orders/directions under section 60(5) of IBC 2016, to stay the Corporate Insolvency Resolution Process (CIRP) initiated against Alchemist Limited
2. To recall order constituting the Committee of Creditors
3. To recall of order dated 10.02.2022 of appointing Shri Gaurav Misra as the Resolution Professional.
4. To pass any other order as this Hon'ble Tribunal may deem fit and proper.”

Therefore, the Report and Objections raised under Section 60(5) by ED goes into root of the matter.

For better appreciation, this application IA/4176/ND/2022 shall be tagged along with IA/1296/ND/2024 and IA/5779/ND/2022 for further hearing.

Interim order granted by this Adjudicating Authority **dated 09.09.2022**, is hereby extended till the disposal of all these three applications.

List it on **08.08.2024**.

Sd/-

(DR. SANJEEV RANJAN)
MEMBER (T)

Sd/-

(MANNI SANKARIAH SHANMUGA SUNDARAM)
MEMBER (J)