

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

Item No. 202
(IB)-470(ND)/2017

**IA-3192/2023, IA/904/2021, IA-6421/2023,
CA-1654/2019, CA-479/2019, IA/3750/2020,
IA/3053/2020, IA/2444/2020, IA/3202/2020,
CA-1664/2019, IA- 1693/2024, IA- 4587/2021**

IN THE MATTER OF:

Sh. Amit Kumar Malik

... **Applicant/Petitioner**

Versus

M/s. Kindle Developers Pvt. Ltd.

... **Respondent**

Under Section: 7 of IBC, 2016

Order delivered on 30.04.2024

CORAM:

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

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

PRESENT:

For the Applicant

: Mr. P. Nagesh, Sr. Advocate, Mr. Shashank Agarwal, Mr. Akshay Sharma, Advocates in IA 1654/2019, Adv. Akash Gupta in IA 4587/21, Adv. Karuna Sharma in 4587/2021. Adv. Anurag Kumar, Adv. Rishi Kapoor, Adv. Deboleena, in IA-440/2023 IA-3192/2023. Adv. Sanket Gupta in IA-6421/2023.

For the Respondent

: Mr. Ankit Banati, Adv., in I.A. No.3750/2020, for the Respondent No.5 and in I.A. No. 2444/2020 for the Respondent No.3, Adv. Ruchira Gupta, Adv. Pooja Tripathi for Respondent NO. 14 in IA 3750/2020, Mr. Prakhar Singh, Adv for R2 & R3, Mr. Karan Luthra and Ms. Aarushi Tiku, Advocates in I.A. No. 3053/2020 for Respondent Nos. 1 to 4, in IA. No. 3750/2020 for Respondent Nos. 4 & 30, in I.A. No. 3202/2020 for Respondent Nos. 6 & 8, Adv. Akash Gupta In IA 3053/2020 for R15, IA 3202/2020 for R3, IA 904/ 2021 for R3, IA 2444/2020 for R5, IA 3750/ 2020 for R25, Adv. Karuna Sharma for R3 in IA 3202/2020, R3 in IA 904/2021, R5 in IA 2444/2020, R25 in IA-3750/2020, R15 for IA-3053/2020

For the NOIDA

: Adv. Rachit Mittal, Adv. Parish Mishra,

Authority
For the RP

Adv. Adarsh Srivastava
: Adv. Miraj Chamyal

Hearing Through: VC and Physical (Hybrid) Mode

ORDER

IA-3192/2023, IA/904/2021, IA-6421/2023, CA-1654/2019, CA-479/2019, IA/3750/2020, IA/3053/2020, IA/2444/2020, IA/3202/2020, CA-1664/2019, IA- 1693/2024, IA- 4587/2021: Ld. Counsel appearing for

the RP submitted that the appeal preferred before Hon'ble NCLAT assailing the order dated 11.01.2024 is coming up for hearing before Hon'ble NCLAT on 02.05.2024 and the fate of the present proceedings would broadly depend upon the outcome of the said appeals. In the wake, the hearing in the present matter is deferred to 07.05.2024.

In the meantime, the RP is directed to file the convenient proforma duly filled in all respects. The copy of the proforma may be collected by the RP from the Court Officer during the course of the day.

IA-440/2023: The IA-440/2023, not reflected in today's cause list should also be reflected on next date of hearing. The application has been filed by suspended director, questioning the admission of the company petition filed under Section 7 of IBC, 2016, on the ground that the Applicant had settled the disputed amount/dispute with the corporate debtor, thus the present application is not maintainable. In the wake, we will have to examine the proposition as to whether the settlement arrived at after commencement of CIRP can be ground to dismiss the application already admitted. In this regard it would be relevant to examine the ramification of Section 12A of IBC, 2016

read with Regulation 30A of IBBI (CIRP) Regulations, 2016 as also the ramification of the Judgments of Hon'ble Supreme Court in *Union of India and Ors. vs. Mahender Singh 2022 SCC OnLine SC 909 & Manish Kumar vs. Union of India and Another (2021) 5 SCC*.

Let the application be listed for hearing on 07.05.2024. The RP is directed to remain present physically on the next date of hearing.

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

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