

**DIVISION BENCH**

**ITEM NO.1**

**NATIONAL COMPANY LAW TRIBUNAL**

**ALLAHABAD BENCH**

**PRAYAGRAJ**

**IA NO.325/2024 IN CP (IB) No.29/ALD/2022**

**CORAM:**

- 1. SHRI PRAVEEN GUPTA,  
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI ASHISH VERMA,  
HON'BLE MEMBER (TECHNICAL)**

**Date of Order: 11<sup>th</sup> July, 2024**

**Attendance-Cum-Order Sheet of the Hearing.**

<b>NAME OF THE COMPANY</b>	<b>M/S HI-TECH STEEL SERVICES LTD V/S CONTEXUS RESOURCE MANAGEMENT PVT LTD</b>
<b>UNDER SECTION</b>	<b>9 IBC (IN CIRP)</b>

**COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:**

Sh. Nithianandan Balagopalan, Sr. Adv. assisted by : *For the Applicant*

Sh. Lateef P.K., Adv.

Sh. Maneesh Kumar, Adv.

*: For RP, Mr. Sumit Shukla,  
Present in person*

Sh. Jatin Kumar, Adv.

*: For the CoC*

**ORDER**

**IA NO.325/2024**

Ld. Counsels representing their respective parties are present through VC.

- 1.** This application has been filed for recalling of theailable warrant issued *vide* order dated 14.06.2024, a copy thereof has also been attached as Exhibit P-5 at page no.22. The aforesaidailable warrant was issued in pursuance of our observations made in the order dated 22.05.2024, which has also been referred at para no.5 page no.24 of the said order dated 14.06.2024 that the Directors of the Ex-Management have not complied with the said order of 22.05.2024 and did not come in person either physically or through VC in the hearing which took place on 14.06.2024.

**-Sd-**

-1/3-

**-Sd-**

2. The present application today has been filed seeking recalling of the aforesaid order. The Ld. Counsel representing the Applicants submits that the Applicant No.1 (*herein*)/ non-applicant/ respondent in the relevant IA No.281/2023 is personally present in the Court.
3. Ld. Counsel further states that all possible cooperations would be extended to the full satisfaction of the RP as well as to the members of the CoC. The matter is already posted for hearing on 24.07.2024, when the presence of all these applicants *herein* were sought by the order passed on 14.06.2024.
4. Ld. Counsel representing the Applicants gives an undertaking and makes a statement at Bar that the respondent nos.1 and 2, who are responsible to provide all requisite information would fully cooperate as well as would also be present on the next date of hearing i.e. on 24.07.2024.
5. With respect to the Applicant nos.3, 4 & 5, whose names have also been mentioned at page no.25 of the present application being part of the order dated 14.06.2024, may however be exempted from personal appearance on the next date of hearing i.e. on 24.07.2024, in view of their personal difficulties being either old age or not well.
6. The Ld. Counsels representing the RP and CoC vehemently submit that the cooperation from the Directors of the Ex-Management have not been forthcoming in the past, and even they did not comply the previous order dated 22.05.2024. They however further states that in view of the fact that some bonafide now is being shown by the applicants in as much as one of

the Applicant No.1 is already present in the Court and with respect to another Applicant, the Ld. Counsel representing the Applicants has also made a statement for presence on the next date of hearing, the Ld. Counsels representing the RP/ CoC state that they have no objection at this stage with respect to the exemption of Applicant Nos.3, 4 & 5 from personal presence on 24.07.2024.

7. After considering the facts in its entirety as well as the undertaking/ statement made by the Ld. Sr. Counsel representing the Applicant nos.1 and 2 for coming present on the next date of hearing, we are persuaded to recall the order dated 14.06.2024 with specific directions that the Applicant Nos.1 & 2 shall be present either physically or through VC on the next date of hearing i.e. on 24.07.2024 and would also be cooperating with the RP as well as the CoC in disseminating all requisite information and documents. The details with respect to the titles and the assets are also required to be disseminated to the RP.
8. In view of the above, the order dated 14.06.2024 is recalled and bailable warrants earlier issued are cancelled. The present IA No.325/2024 stands disposed off accordingly.
9. Let the matter be put up on the date already fixed i.e. on 24<sup>th</sup> July, 2024 to come up higher on Board.

**-Sd-**  
**(Ashish Verma)**  
**Member (Technical)**

**11<sup>th</sup> July, 2024**

*Kavya Prakash Srivastava*  
*(Stenographer)*

**-Sd-**  
**(Praveen Gupta)**  
**Member (Judicial)**