

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - 1

ITEM No.206 –IA/315(AHM)2024
In
C.P.(IB)/171(AHM)2022

Proceedings under Section 7 IBC

IN THE MATTER OF:

State Bank of India

.....Applicant

V/s

Neesa Infrastructure Ltd

.....Respondent

Order delivered on: 12/07/2024

Coram:

Mr.Shammi Khan, Hon'ble Member(J)

Mr.Sameer Kakar, Hon'ble Member(T)

PRESENT:

For the Applicant

:Mr.Atul Sharma, Advocate

For the Respondent

:Mr.Shivam D Parikh, Advocate for R-1

:Mr. Priyank Dave, Advocate a. w. Mr. Arvind Gupta, R-2
physically present in person

ORDER
(Hybrid Mode)

IA/315(AHM)2024

Now, a fresh Dasti service affidavit has been filed by one Devesh Kumar, Team Member of Resolution Professional of Neesa Infrastructure Limited/Corporate Debtor on 21.06.2024 vide Inward Diary No. 4876 who personally visited to serve the Dasti notice upon R-3 on 20.03.2024. It is stated therein that R-3 had not been residing at the premises as mentioned in the address and the person residing at the said address had denied the acceptance of the said notice and denied knowledge of any such person with the said name/description. A photographs to this effect were also stated to have taken on the spot and annexed with the earlier service affidavit filed by the RP. Hence, the learned counsel for the applicant/RP stated that service upon R-3 through ordinary process is not possible. Therefore, R-3 may be order to be served through substituted mode of publication which is allowed.

Let publication notice of the Respondent No.3 be issued by the Registry, returnable by next date. The Applicant is directed to collect the publication notice from the

Registry within three days and publish in two newspapers one in English and one in Vernacular Language within seven days and file proof of publication notice with affidavit within two weeks from the date of this order.

The Respondent-3 may file reply, if any, within seven days from the date of publication of notice. Rejoinder, if any, be filed with seven days thereafter.

Learned counsel for the R-2 seeks liberty to file a detailed reply to the application specifically to the transaction reflecting on Page Nos. 11 & 12. Let the same be filed within a week with advance copy to the opposite counsel. Thereafter, rejoinder, if any, be filed within a week.

Liberty is given to R-2 to appear through virtual mode in the future hearings till further orders.

Re-list for further consideration on 21.08.2024

Sd/-

SAMEER KAKAR
MEMBER (TECHNICAL)

Sd/-

SHAMMI KHAN
MEMBER (JUDICIAL)