

IN THE NATIONAL COMPANY LAW TRIBUNAL
COURT-I, MUMBAI BENCH

ITEM No.1

MA 2070/2019, CA 369/2020, CA 1192/2020, CA 1411/2020, IA 15/2021, CA 16/2021, IA 24/2021, CA 96/2021, CA 209/2021, CA 233/2021, CA 296/2021, CA 328/2021, CA 338/2021, CA 345/2021, CA 361/2021, CA 362/2021, CA 364/2021, CA 403/2021 in CP 3638/MB/2018

IN THE MATTER OF:

Union of India	...	Petitioner
V/s		
Infrastructure Leasing & Financial Services Ltd & Ors	...	Respondent

Order under Section 241-242 of the Companies Act, 2013.

Order delivered on **10.12.2021**

CORAM:

JUSTICE PRADEEP NARHARI DESHMUKH
HON'BLE MEMBER (JUDICIAL)

SH. KAPAL KUMAR VOHRA
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For Union of India : Shri. Sanjay Shorey, Director (Legal and Prosecution) MCA, Shri. M P Shah, Regional Director, Western Region
Shri. Rakesh Tiwari, Joint Director at office of Regional Director Western Region, Shri. Chiradeep Balooni, Assistant Director at office of Regional Director Western Region

For the Applicant: In CA 338/2021 Ms. Aditi Tiwari.

In CA 361/2021 and CA 362/2021 Mr. Robin Jaisinghani, Counsel i/b Dastur Kalambi and Associates

In CA 364 of 2021 Sr. Counsel Mr. Janak Dwarkadas a/w Ms. Rishika Harish, Mr. Rahul Dwarkadas, Ms. Prachi Dhanani, Ms. Juhi Bahirwani and Ms. Rohini Jaiswal i/b. Veritas Legal, advocates

Senior Counsel Mr. Dinyar Madon a/w. Counsel Mr. Ziyad Madon i/b. Advocates Mr. Tushar Ajinkya, Ms. Sukanya Sehgal and Ms. Misha Matlani of ThinkLaw, Advocates.

In CA No.403 of 2021, Adv. Ashwin Poojari

In C.A.No.96/2021 -Adv.Prakash Shinde, Adv.Aalisha Sharma I/b MDP & Partners

For Impleader Applicant (Sekura Roads Ltd. in CA 328 of 2021 in CA 1192 of 2020) Senior Counsel Mr Dinyar Madon a/w Mr Raj Panchmatia, Mr Gaurav Juneja, Ms Jyoti Sinha, Mr Harsh Salgia i/b Khaitan & Co

In CA No. 11 92 of 2020, CA No. 16 of 2021, C.A No. 345 of 2021, C.A No. 209 of 2021 and C.A No. 296 of 2021, Adv.

Ashish Kamat a/w Adarsh Saxena, Drishti Das, Darshan Furia and Roma Bhojani i/b Cyril Amarchand Mangaldas

In CA/96/2021, Mr. Prakash Shinde, Mr. S.M. Algaus, Ms. Aalisha Sharma i/b MDP & Partners, Advocates

For Respondent : For Proposed Respondent No. 323 and Proposed Respondent No. 324 and on behalf of Proposed Proforma Respondent Nos. 337, 338, 339 and 341 in MA 2070 of 2019 Mr. Robin Jaisinghani, Counsel, i/b Dastur Kalambi and Associates.

For Proposed Respondent No. 326 in MA 2070 of 2019, Sr. Counsel Mr. Janak Dwarkadas a/w Ms.Rishika Harish, Mr. Rahul Dwarkadas, Ms. Prachi Dhanani, Ms. Juhi Bahirwani and Ms. Rohini Jaiswal i/b. Veritas Legal.

In CA 96/2021 and CA 338/2021 on behalf of Claims Management Advisor.Adv. Deep Roy and Adv. Shrishti Agnihotri.

For Proposed Respondent No. 334, Sr. Adv. Gaurav Joshi, Adv. Manavendra Mishra a/w Mr. Sameer Bindra, Mr. Gyayak Patni i/b Khaitan & Co.

For Respondent No. 329 in M.A. No. 2070 of 2019, Mr. Dinesh Purandare i/b Mr. Nikhil Dongre.

For Respondent No. 333 in MA/2070/2019-Adv Pulkit Sharma a/w Adv Harsh Kesharia.
CA 2070/2019

For Respondent No. 325, Mr. Navroz Seervai, Sr. Adv., Zal Andhyarujina, Sr. Adv.,Vijayendra Pratap Singh, Aditya Jalan, Priyanka Ladoia, Raghav Seth, Vanya Chhabra, Rajkanwar Singh Kumar, Anant Narayan Misra, Advocates

For Respondent No. 327, Mr.Zal Andhyarujina, Sr. Adv., Hursh Megani, Vijayendra Pratap Singh, Aditya Jalan, Priyanka Ladoia, Raghav Seth, Vanya Chhabra, Rajkanwar Singh Kumar, Anant Narayan Misra, advocates.

For Proposed Respondent 336, Mr. Iqbal Chagla, Senior Advocate a/w Mr. Jehaan Mehta Counsel, i/b Mr. Ashish Prasad, Advocate, Mr. Shailesh Poria, Advocate and Mr. Pruthvi Dhinoja for Economic Laws Practice

For Respondent No. 1 in C.A No. 369 of 2020, C.A No. 1411 of 2020, I.A No. 15 of 2021 and C.A No. 328 of 2021, Adv. Ashish Kamat a/w Adarsh Saxena, Drishti Das, Darshan Furia and Roma Bhojani i/b Cyril Amarchand Mangaldas

For Proposed Respondent No.321, Adv. Gauri Joshi i/b Ganesh and Co.

ORDER

Ld. Counsels for the parties are present. Mr. Sanjay Shorey, Director (Legal & Prosecution) for MCA is also present. By consent, it is decided to

adjourn the case for the Counsel for the MCA to place on record the gist of facts of proceedings till date and to place on record copies of orders of NCLT, Hon'ble NCLAT, Hon'ble High Court and Hon'ble Supreme Court which have been passed till date so as to know the facts emerged till date.

Representative of the MCA submits that he will provide the same within a period of two weeks. The parties have agreed for the said proposal. Accordingly, list this matter on **17.01.22** for further hearing.

Mr. Zal T. Andhyarujina, Ld Sr Advocate submits that he has taken out Applications (i.e. CAs 325 & 327 of 2021) raising objections with regard to grant of sanction for prosecution of Respondents (in CAs 325 & 327 of 2021) which are not showing on Board today. Registry is directed to place these Applications also on Board on the adjourned date.

Mr. Kunal Mehta, Advocate for the Respondent No. 335 is present and submits that he has taken out Application in CA 2071 and states that as per the directions of the Hon'ble Supreme Court, his status needs to be re-considered by the NCLT. Ld Counsel for the Applicant is directed to place on record copy of order of the Hon'ble Supreme Court, as afore stated.

Representative for MCA is directed to assist the Court in Segregating all the CAs / MAs in CP 3638 of 2018 listed today in different categories viz. those which fall under regulatory actions, those which relate to Resolution process, etc. List the matter on **17.01.22**.

Sd/-

(JUSTICE PRADEEP NARHARI DESHMUKH)
MEMBER (JUDICIAL)

Sd/-

(KAPAL KUMAR VOHRA)
MEMBER (TECHNICAL)

/V/