

**NATIONAL COMPANY LAW TRIBUNAL**  
**COURT ROOM NO. 1,**  
**MUMBAI BENCH**

**Item No. 36**

**IA 2/2024 (NEW IA) CA 181/2022 CA 190/2022 CA 127/2022 CA 459/2022 CA 391/2023 IN C.P. 3638(MB)2018**

CORAM:

**SH. PRABHAT KUMAR      JUSTICE VIRENDRASINGH BISHT (Retd.)**  
**HON'BLE MEMBER (TECHNICAL)    HON'BLE MEMBER (JUDICIAL)**

ORDER SHEET OF THE HEARING ON **02.01.2024**

NAME OF THE PARTIES:      **UNION OF INDIA V/s INFRASTRUCTURE**  
**LEASING & FINANCIAL SERVICES LTD**

Section 241-242 of the Companies Act, 2013 and Rule 11

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**ORDER**

**IA 2/2024**

- 1) Mr. Ashwin, Ld. Counsel for the Applicant and Mr. Shwetank Nigam, Ld. Counsel for the Respondent are present.
- 2) The present Interlocutory Application has been filed by the Applicant, Terra Infra Development Limited, against, Grant Thornton Bharat LLP, Claims Management Advisor of IL&FS, and the Applicant seeks leave of this Bench thereby seeking amendment in the name of the Respondent from “Infrastructure Leasing and Financial Services Limited through its Claims Management Advisor” to “Grant Thornton Bharat LLP”, in the main Interlocutory Application bearing IA No. 25 of 2023.

- 3) The Counsel for the Respondent has no objection if the present Interlocutory Application is allowed by the Bench. In that view of the matter, leave as prayed is allowed.
- 4) The Applicant herein is at liberty to amend the name of the Respondent in the main Interlocutory Application bearing IA No. 25 of 2023. Applicant shall forthwith make necessary steps to carry out necessary amendment and the amended copy of the Interlocutory Application be served upon the Respondents and the Parties concerned, well before the adjourned date.
- 5) Needless to say, Applicant shall provide amended copy of the Application to the Bench also, well before the adjourned date.
- 6) Respondents shall file and place on record Affidavit in Replies in the main Interlocutory Application bearing IA No. 25 of 2023, if not filed earlier, well before the adjourned date by duly serving copies to the other side well in advance.
- 7) With the aforesaid observations and directions, the Interlocutory Application bearing IA No. 2 of 2024, is disposed of as Allowed.
- 8) There would however be no order as to costs. Ordered Accordingly.

**CA 181/2022 CA 190/2022**

- 1) Mr. Animesh Bisht, Ld. Counsel for the IL&FS, Ms. Priyanka Pandey, Ld. Counsel or the Respondent No. 9 (in CA No. 190), Mr. Siddharth Joshi, Ld. Counsel for the Respondent No. 8 (in CA No. 181), Mr. Sharan Shetty, Ld. Counsel for Respondents No. 9 and 12 in CA Nos. 181 and 190 of 2022, Mr.

Vikram, Ld. Counsel for the Respondent No. 4 in CA 181 of 2022 are present.

- 2) It has been informed that Respondents till date has not filed and placed on record Affidavit in Replies to the present Company Applications.
- 3) In that view of the matter, Respondents are directed to file and place on record Affidavit in Replies well before the adjourned date by duly serving copies to the other side well in advance, failing which, this Bench shall proceed further in the matter based on the materials available on record and verbal arguments on that date and this Bench shall pass consequential orders on the next date of hearing.
- 4) Parties may note that this will be treated as last and final opportunity. No further adjournment will be afforded to any Parties for any purpose. Parties shall be ready for argument on the next date of hearing.
- 5) Stand over to 24.01.2024, for further consideration and hearing.

**CA 127/2022**

- 1) Mr. Amir Arsiwala, Ld. Counsel for the Applicant, Mr. Animesh Bisht, Ld. Counsel for ITNL and Mr. Shwetank Nigam, Ld. Counsel for the CMA are present.
- 2) Applicant informed that they have not yet been served with the Reply of the ITNL; Ld. Counsel for ITNL undertakes to serve copy of the Affidavit in Reply upon the Applicant, within a couple of days. Counsel for the ITNL

shall ensure that copy of the Reply which they have already filed is available on record.

- 3) Stand over to 24.01.2024, for further consideration and hearing.
- 4) Applicant seeks leave from this Bench to file and place on record Affidavit showing an E-mail, in support of their argument. Leave as prayed is allowed. Applicant is at liberty to place on record E-mail which they are referring to, well before the adjourned date, by duly serving a copy to the other side and parties concerned, well in advance.

#### **CA 459/2022**

- 1) None present for the Applicant when the matter is called out. Mr. Animesh Bisht, Ld. Counsel for IL&FS is present.
- 2) Stand over to 24.01.2024, for further consideration and hearing.
- 3) Applicant may note that failure in presence on the next date of hearing would amount to the dismissal of the Company Application for want of prosecution.

#### **CA 391/2023**

- 1) Mr. Shyam Kapadia, Ld. Counsel for the Applicant and Mr. Shwetank Nigam, Ld. Counsel for the CMA are present. None present for the Respondent No. 1.
- 2) It has been informed that the Resolution has taken place and it has taken over by the Successful Resolution Applicant.

- 3) In that view of the matter, the Applicant herein is directed to serve a copy of this order to the Successful Resolution Applicant, so that they shall enter appearance in the present matter and shall file and place on record their Say, well before the adjourned date by duly serving a copy to the other side well in advance.
- 4) Stand over to 24.01.2024, for further consideration and hearing. This will be treated as last opportunity. No further adjournment will be afforded to either of the Parties for any purpose.
- 5) Later on, Counsel for the CMA informed that a copy of the Affidavit in Rejoinder filed by the Applicant herein has not yet been served upon them. In that view of the matter, the Applicant herein is directed to serve a copy of the same to the CMA, forthwith, so as to enable them to proceed further in the matter and advance their submissions on the next date of hearing.

**Sd/-**

**PRABHAT KUMAR  
MEMBER (TECHNICAL)**

**Sd/-**

**JUSTICE VIRENDRASINGH BISHT  
MEMBER (JUDICIAL)**

Vedant Kedare