

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

Item No. 15

CA 25/2024 (NEW CA) MA 3002/2019 CA 1001/2020 CA 10/2021 CA
479/2021 CA 403/2021 CA 209/2021 CA 181/2022 CA 190/2022 CA
127/2022 CA 459/2022 CA 391/2023 CA 212/2023 CA 9/2023 CA 424/2023
CA 434/2023 INV.P.05/2023 In CP/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 24.01.2024

NAME OF THE PARTIES: **UNION OF INDIA VS INFRASTRUCTURE**
LEASING AND FINANCIAL SERVICES
LTD. & ORS.

Section 241-242 of the Companies Act, 2013

ORDER

Mr. Sandesh R. Shukla, Advocate a/w Amit Singh i/b Abhay Nevagi and Associates
(For Respondent No. 6 in CA 181/2022 and For Respondent No. 10 in CA
190/2022).

CA 190/2022- Mr. Madhur Rai, Advocate I/b PRS Legal for Respondent no. 18.

Mr. Prithvi Raj JS, Counsel for Applicant in CA/459/2022 and CA/479/2022.

Mr. Aditya Sikka, Advocate appeared for the Union of India.

CA 190/2022 - Mr. Ranjit Prakash and Ms. Sanya Gangar, Advocates for
Respondent No. 4, SEPCO III .. 2 ..

Adv Vedanshi Shah i/b Mahalakshmi Ganapathy for R 5 and R 10 in CA 181 of 2022 and R 8 and R 15 in CA 190 of 2022.

CA 190/2022 - Mr. Abhinav Raghuvanshi, Advocates for Respondent No. 5, Shandong Tiejun.

IA 25/2023 Adv. Harshit Tiwari, Adv. Akshat Goel, Adv. Ashwin Hirulkar for Applicant.

Mr. Animesh Bisht, Advocate a/w Ms. Drishti Das, Advocate Ms. Roma Bhojani, Advocate i/b Cyril Amarchand Mangaldas appeared for the IL & FS.

Mr. Shwetank Nigam, Advocate a/w Mr. Deep Roy, Advocate i/b Equilex appeared for the CMA.

Mr. Saurabh Bachhawat, Advocate i/b Chandhiok & Mahajan appeared for the Respondent no. 9 in CA No. 190/2022.

Mr. Shourya Bori, Advocate i/b Trilegal appeared for the Respondent no. 4 in CA No. 181/2022.

CA No. 25/2024

1. Ms. Coral Shah, Advocate appeared for the Applicant.
2. Mr. Aditya Sikka, Advocate appeared for the Union of India.
3. Learned Counsel for the Union of India seeks time to file reply. Time granted. The Reply shall be filed by serving advance copy thereof at least two days before the next date of hearing.
4. List this CA on **22.02.2024** for hearing.

CA No. 25/2023 –

1. This IA was also to be listed today. However, it is not listed.
2. List this CA on **23.02.2024** for hearing.

MA No. 3002/2019 –

1. Mr. Siddharth Joshi, Advocate a/w Ms. Kavita Brid i/b Rajani Associates appeared for the Applicant.
2. Learned Counsel for the Union of India request to list this MA on 31.01.2024.
3. List this MA on **31.01.2024** for further consideration.

CA No. 212/2023 –

1. Learned Counsel for the Union of India request to list this MA on 31.01.2024.
2. Bank is directed to allow Applicant, account holder, to update the mobile number and residential address in the particulars of bank account.
3. List this CA on **31.01.2024** for further consideration.

CA Nos. 1001/2020, 10/2021 –

1. Mr. Deep Roy, Advocate appeared for the CMA.
2. Mr. Animesh Bisht, Advocate appeared for the ITNL.
3. Report from the Claim Management Agency after verification of the document collated from both the parties is awaited.
4. CMA is directed to complete the process within two weeks to incorporate the defences of Respondent no. 2.
5. List these CAs' on **21.02.2024** for hearing.

CA Nos. 479/2021, 459/2022 –

1. Mr. Prithvi Raj, Advocate i/b A. K. Mysamy & Associates appeared for the Applicant.
2. Mr. Animesh Bisht, Advocate appeared for the IL & FS.
3. Learned Counsel for the IL & FS informs that the process of vacating the premise has already been initiated and it will take couple of months and

seek time to have final instructions on this aspect and distribution part also.

4. Learned Counsel for the CMA informs that the claim for the lease rent pursuant to the lease rent agreement pertains to period after the commencement of the cut of date and the same cannot be entertained as claim.
5. List these CAs' on **21.02.2024** for hearing.

CA No. 403/2021 –

1. None present for the Applicant.
2. In view of the order dated 22.12.2023 this CA No. 403/2021 is **dismissed** for want of prosecution. Consequently, dismissal of the CA No. 403/2021 **CA No. 8/2023** also stands **disposed of**.

CA No. 209/2021 –

1. Learned Counsel for the IL & FS informs that Justice D K Jain has accorded the approval for the proposed sale and needs some time to place on record affidavit.
2. Learned Counsel for the Union of India shall be at liberty to file reply to the IL & FS application by serving advance copy of the reply to the Applicant at least two days before the next date of hearing.
3. List this CA on **22.02.2024** for hearing.

CA No. 181/2022 & 190/2022 -

1. Mr. Vishal Shriyan, Advocate appeared for the Respondent no. 13 in CA 181/2022 and Respondent no. 17 in CA 190/2022.
2. Mr. Harsh Kesharia, Advocate appeared for the Respondent no. 12 in CA 181/2022.
3. Ms. Akriti Shikha, Advocate i/b HAS appeared for the Respondent no. 9 in IA No. 181/2022 & Respondent no. 12 in IA No. 190/2022.
4. Respondent no. 4 has filed the reply.
5. Respondent no. 8 has e-filed reply.
6. Mr. Gaurav Sharma, appeared for the respondent No. 17.

7. Whosoever have not filed shall have last opportunity to place on record reply and also serve copy of the reply to each other at least two days before the next date of hearing.
8. List these CAs' on **23.02.2024** for hearing.

CA No. 127/2022 –

1. Mr. Amir Arsiwala, Advocate i/b The Law Point appeared for the Applicant.
2. Learned Counsel for Applicant informs that reply was served yesterday and seeks some to peruse the same.
3. Registry is directed to accept the reply whosoever was not able to e-file due to technical glitch.
4. List this CA on **23.02.2024** for hearing.

CA No. 391/2023 –

1. Mr. Shyam Kapadia, Advocate appeared for the Applicant.
2. Ms. Kinjal Patel, Advocate appeared for the Respondent no. 1.
3. Learned Counsel for the Respondent no. 1 finally appears and seeks one-week time to file reply.
4. Counsel for the Applicant objected the same.
5. Considering the conduct of the Respondent, this Bench recalls the order setting aside ex-parte order and allows the Respondent no. 1 to file reply subject to payment of cost of Rs. 25,000/- on the Bharatkosh portal.
6. List this CA on **21.02.2024** for hearing.

CA No. 9/2023 –

1. Learned Counsel for the Union of India informs that comments of the SFIO are awaited and seeks time. Time granted.
2. List this CA on **21.02.2024** for hearing.

CA Nos. 424/2023, 434/2023 -

1. Mr. Satysrikant Vutha, Advocate appeared for the Applicant.
2. Mr. Deep Roy appeared for the Respondent.

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3. Learned Counsel for the CMA informs that service tax component had been deposited with the tax authorities. Thereafter, an application seeking refund of the amount filed by them was also rejected. No money on account of said Service Tax Component lies with the Claim Management Advisor.
4. Pleadings are complete in these CAs’.
5. List these CAs’ on **23.02.2024** for final hearing.

INVP. No. 5/2023 –

1. Mr. Karl Tamboly, Advocate i/b AZB & Partners appeared for the Respondent no. 3.
2. IA No. 31/2023 was to be listed today. However, it is not listed today.
3. List this IA No. 31/2023 along with INVP. No. 5/2023 on **01.03.2024** for hearing.

Sd/-

**PRABHAT KUMAR
MEMBER (TECHNICAL)**

Sd/-

**JUSTICE VIRENDRASINGH BISHT
MEMBER (JUDICIAL)**

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