

IN THE NATIONAL COMPANY LAW TRIBUNAL: CHANDIGARH
(through Hybrid Mode)
COURT-I

Item No. 9

IA No. 1193/2024
and
CP(IB) No. 269/Chd/Hry/2023

IN THE MATTER OF:

Nita Jha

...Petitioner

Vs.

Deutsche Bank AG

...Respondent

Under Section: 94, 60(5), IBC 2016

Order delivered on 16.05.2024

CORAM:

SH. L. N. GUPTA
HON'BLE MEMBER (T)

SH. HARNAM SINGH THAKUR
HON'BLE MEMBER (J)

PRESENT:

For the Petitioner in main CP : Mr. G.S. Sarin, PCS
and applicant in IA No. 1193/2024

For the RP in Person: Mr. Tanveer Illahi

For the PNB : Mr. Arpit Chawla, Advocate

For the IIFL: Mr. Mohit Uppal, Advocate

For the Operational Creditor: Mr. Rahul Tyagi, Advocate

ORDER

IA No. 1193/2024

The present application has been filed by applicant with following prayers:-

- i. Grant stay against the possession Notice issued by Naib Tehsildar cum- Executive Magistrate, Wazirabad, Gurgaon vide Memo No. 1795/Reader dated 19.04.2024, read with dated 15.04.2024 of DM, Wazirabad, till disposal of CP(IB) No. 269/Chd/Hry/2023.
- ii. Direction may kindly be given to the Financial creditors to file the objection if any with the RP.

It is stated by Ld. Counsel for Financial Creditor-PNB that the said property was sold way back. The auction was held on 08.12.2022 and the sale certificate was issued on 07.01.2023, while the present petition under Section 94 of the Code has been filed on 30.10.2023 and refiled on 01.11.2023. In view of these facts, we don't find any merit in the prayers made by the applicant.

The present IA is **dismissed** subject to the cost of **Rs. 25,000/-** to be deposited in **Prime Minister's National Relief Fund** within one week.

CP(IB) No. 269/Chd/Hry/2023

Compliance affidavit has been filed by Mr. G.S. Sarin, PCS vide Diary No. 03545/3 dated 14.05.2024. The same is taken on record. Ld. Counsel appearing on behalf of Operational Creditor seeks an opportunity to file reply. Allowed. The same be filed within two weeks with a copy in advance to the counsel opposite. Ld. Counsel appearing for the IIFL submits that he has not received the copy of the report. Let RP supply the copy of the report to Ld. Counsel for IIFL within two days. Ld. Counsel for the PNB also wants to file the reply. Let the same be filed within two weeks with a copy in advance to the counsel opposite.

The other Financial Creditors can also file reply, if any, within two weeks with a copy in advance to the counsel opposite. List on 09.07.2024.

Sd/-

**(L. N. GUPTA)
MEMBER (T)**

Preeti

Sd/-

**(HARNAM SINGH THAKUR)
MEMBER (J)**