

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**COURT – IV**

**ITEM No.403**

**IA/4372/ND/2022, IA/4276/ND/2022 IN IB/1281/ND/2018**

**IN THE MATTER OF:**

B.D construction co.	...	Applicant
Versus		
stride autoparts Ltd	...	Respondent

**Order under Section 9 of IBC 2016.**

**Order delivered on 10.03.2023**

**Coram:**

**Mr. ASHOK KUMAR BHARDWAJ,  
HON'BLE MEMBER (JUDICIAL)**

**DR. BINOD KUMAR SINHA,  
HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant :  
For R-1 to R-4 in IA No.4372 : Adv. Udit Singh

**ORDER**

**IA/4276/ND/2022**

Reply to said IA has been filed on behalf of the Respondent. However, the same is not reflected on the e-portal of the Tribunal. Therefore, Ld. Counsel for the Respondent is directed to remove the query/objections, if any, and get the same uploaded on the e-portal of the Tribunal during the course of the day.

It is quite apparent that the IA preferred by the Liquidator is as vague, nebulous and cryptic as it may be. When the prayer made in the IA is to direct the Respondents to contribute the loss caused to the creditors of the Corporate Debtor, neither the amount of loss has been quantified nor the manner in which the loss has been caused is indicated nor the details of the properties/assets/amount in respect of which the loss is caused by the Respondents has been certified. Only

the vague plea that the machines were bought from the parties and amount was disputed has been indicated. If the fraud was of such nature, we are unable to understand that why the Liquidator did not resolve towards the provision of Section 35(1) (k) of the IBC. Nevertheless, the Liquidator is out of station and participated in the present case through virtual mode and is seeking time for filing better affidavit. He is allowed to do so within one week.

Let the matter be fixed for hearing on **12.04.2023**.

**IA/4372/ND/2022**

List the said IA along with IA/4276/ND/2022 filed by the Liquidator under Section 66 of IBC.

**Sd/-**

**DR. BINOD KUMAR SINHA,  
MEMBER (TECHNICAL)**

**Sd/-**

**ASHOK KUMAR BHARDWAJ,  
MEMBER (JUDICIAL)**