

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

Item No. 402

IA/1741/ND/2024 in IB/196/ND/2023

IN THE MATTER OF:

Mr. Satyabrata Mitra & Ors.	...	Applicant
Versus		
Earth Towne Infrastructure Pvt. Ltd.	...	Respondent

Under Section 7 of Insolvency & Bankruptcy Code, 2016.

Order delivered on 15.04.2024

CORAM:

MR. MANNI SANKARIAH SHANMUGA SUNDARAM,
HON'BLE MEMBER (JUDICIAL)
DR. SANJEEV RANJAN,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Sumesh Dhawan, Mr. Shayra Shyam, Advs.
For the Applicant in IA 1741/2024 : Mr. Shashank Gaur, Ms. Shubhangi
For the Respondent :

HYBRID HEARING (PHYSICAL & VC)

ORDER

IB No. 196/ND/2023

A perusal of the order dated 31.10.2023 passed by this Bench i.e Bench No. IV, NCLT, we observe that the name of the Corporate Debtor has been "Struck off" from the register of Company by the Registrar of Companies and the applicants were directed to take appropriate steps to seek the restoration of the name of the Corporate Debtor in the Register of Companies, so as to proceed with the present application filed under Section 7 of Insolvency & Bankruptcy code, 2016. Mr. Sumesh Dhawan, Learned Counsel for the applicant is present physically and has submitted that Bench No. II, NCLT has allowed the Company Appeal-302/252/ND/2023 under Section 252(3) of the Companies Act, 2013, and restored the company's name to the Register of Companies. We have heard the submissions made by Learned Counsel for the applicant. Written submissions are on record. **Order reserved in IB No. 196/ND/2023.**

New IA/1741/ND/2024

This is an application filed by the applicant-EARTH TOWNE WELFARE Association (ETOWA) with the following prayers:

"(i) To dismiss the Company Petition IB/196/ND/2023 as it will be a direct violation of order of Hon'ble Supreme Court to maintain

status quo and it will create further legal complications and delay in revival of Earth Towne Project.

(ii) Pass any further order as this Hon'ble Tribunal may deem fit and proper in the interest of justice.”

Mr. Shashank Raghav, Learned Counsel for the applicant in IA/1741/ND/2024 is present physically. We observe that this application is filed for dismissal of IB/196/ND/2023 without arraying the applicant in IB/196/ND/2023 Mr. Satyabrata Mitra & Ors. as a party. Registry is directed to return the papers i.e. IA/1741/ND/2024 to the applicant. Registry is also directed to give a report under what circumstances, the present application i.e. IA/1741/ND/2024 numbered and taken on file when the applicant in IB/196/ND/2023 Mr. Satyabrata Mitra & Ors. has not arrayed as a party

Sd/-

**DR. SANJEEV RANJAN
MEMBER (TECHNICAL)**

Sd/-

**MANNI SANKARIAH SHANMUGA SUNDARAM
MEMBER (JUDICIAL)**