

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-III

Item No.303

IA-1420/2023

In

IB-1006(ND)/2019

IN THE MATTER OF:

Mr. Devendra Kumar Shrma

.... **APPLICANT/PETITIONER**

Vs.

M/s. JBB-Evereset Buildtech Pvt. Ltd.

.... **RESPONDENT**

SECTION

U/s 7 IBC code 2016

Order delivered on 28.04.2023

CORAM:

SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)

SHRI ATUL CHATURVEDI HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : P Nagesh, Sr. Adv. with Adv. Akshay Sharma for
Applicant in IA No. 1420/2023

For the Respondent : Mr. Krishnendu Datta, Sr. Adv., Mr. Kunal
Godhwani, Mr. Palash Singhai, Advocates for R-1

ORDER

IA-1420/2023:-

This application has been filed seeking following prayers:

- a. *Declare that the entire CIRP of the Corporate Debtor is vitiated by Fraud.*
- b. *Restrain the Corporate Debtor from allotting/creating third party interest on the unsold inventory of the Corporate Debtor during the pendency of this Application.*
- c. *Appoint an Administrator to monitor the implementation of the Resolution Plan/ take over the management of the Corporate debtor during the pendency of the Application.*

- d. Recall the order dated 05.04.2021 passed by this Hon'ble Tribunal in IA No. 263/2021.
- e. Direct the re-initiation of the CIRP of the Corporate Debtor from the stage of Invitation of Expression of Interest.
- f. Make reference/complaint against the Respondents before the Competent Investigating Agency such as CBI, SFIO to investigate the fraud committed by the Respondents.
- g. Impose Penalty of Rs. 1 Crore each upon the Respondent No.1 to 5.
- h. Pass any other order which this Hon'ble Tribunal may deems fit in the larger interest of justice.

We have heard the submissions of Mr. P. Nagesh, Ld. Sr. Counsel appearing for the Applicant and Mr. K. Dutta, Ld. Sr. Counsel appearing for the Respondent who strongly opposed issuance of notice of this application on the ground that the present application is not maintainable.

We have heard the arguments and orders on the question of issuance of notice is **reserved**.

Sd/-
(ATUL CHATURVEDI)
MEMBER (TECHNICAL)

Sd/-
(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)

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