

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**COURT-V**

**Item No.-102**  
IB-725/ND/2020  
IA/2793/2020

**IN THE MATTER OF:**

ICICI Bank Ltd.

....Applicant

**Vs**

Dehradun Highways Project Limited

....Respondent

**SECTION**

U/s 7 IBC code 2016

Order delivered on 20.07.2020

**CORAM:**

**SHRI ABNI RANJAN KUMAR SINHA**  
**HON'BLE MEMBER (JUDICIAL)**

**SHRI K.K. VOHRA,**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant

: Abhirup Dasgupta, Mr. Ishaan Duggal

For the Respondent

: Mr. Apoorv Aarwal, Palak Sharma, Aashna Bhargava for 2, Mr. Nalin Kumar

**ORDER**

The present IA has been filed on behalf of ICICI Bank who is the Petitioner/FC in an application filed under Section 7 of the IBC praying therein to list the CP (IB)-725/ND/2020 and CP (IB)-655/ND/2020 filed by Corporate Debtor under Section 10 of the IBC.

We have heard Ld. Counsel appearing for the petitioner as well as the Corporate Debtor and the petitioner of CP (IB)-655/ND/2020. Ld. Counsel for ICICI Bank submitted that since an arbitration proceeding is pending between NHAI and CD, therefore, for the ends of justice, it is necessary to hear the application early, so that the competent person may be able to appear and place the points of the CD before the Arbitrator.

On the other hand, Ld. Counsel for the CD/Petitioner of CP (IB)-655/ND/2020 opposed the prayer on the ground that there is no urgency to hear the application. Ld. Counsel for the petitioner submitted that the ICICI Bank has filed their claim in a case which is pending before



the Principal Bench of NCLT, New Delhi. Ld. Counsel for the petitioner further submitted that on the instruction of Principal Bench, NCLT New Delhi, the Corporate Debtor has filed an application for transfer of CP (IB)-655/ND/2020 on 17.05.2020 but due to some defect, the same has not been listed. Under such circumstances, there is no urgency, so prayer of early hearing may be rejected.

In response, Ld. Counsel for the ICICI Bank submitted that the claim which he has filed before the Principal Bench, NCLT, New Delhi has already been withdrawn by the Bank so, under such circumstances, there is urgency to list the application together with application filed by corporate debtor u/s 10 of IBC. He further submitted that the CD has also not filed any document to show that he has been instructed by the Principal Bench to file transfer petition..

Considering the submissions made on behalf of the parties and on perusal of the facts mentioned in the application, we find that the present application is filed on behalf of ICICI Bank on the ground that an arbitration proceeding is pending between the CD and NHA1 and the CD itself has filed an application under Section 10 of the IBC, which is pending for consideration and this Adjudicating Authority had earlier passed an order to take up both the applications together, considering these facts, we think it proper to list both the cases together. Accordingly, we direct the office to list both the cases together **for hearing on 31.07.2020. With this the present application stands disposed off.**



(K.K. VOHRA)  
MEMBER (T)



(ABNI RANJAN KUMAR SINHA)  
MEMBER (J)