

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-V
(Division Bench)

Item No.-505
IB-391/ND/2023
IA/755/2024, IA/756/2024

IN THE MATTER OF:

Kashyapi Infrastructure Pvt. Ltd.

.....Applicant

Vs.

Omkar Nests Pvt. Ltd.

.....Respondent

SECTION

U/s 9 IBC

Order delivered on 25.04.2024

CORAM:

**SHRI MAHENDRA KHANDELWAL,
HON'BLE MEMBER (JUDICIAL)**

**Dr. SANJEEV RANJAN,
HON'BLE MEMBER (TECHNICAL)**

HYBRID HEARING (PHYSICAL & VC)

PRESENT:

For the Applicant : Mr. Avtaar Singh, Adv.

For the Respondent : Mr. Avtaar Singh, Adv. in IA/755/2024 &
IA/756/2024

Mr. Eshna Kumar, Mr. Akshat Maheshwari, Advs.

ORDER

IA/756/2024:-

This is an application filed on behalf of the Corporate Debtor under Section 60(5) of the IBC, 2016 read with Rule 11 of NCLT Rules, 2016 to place on record additional documents. Earlier notice was given to the Operational Creditor/Respondent for filing their reply to this application and they have filed their reply which is now available on the e-portal of the Tribunal. Heard the submission made by Ld. Counsel on behalf of the Applicant/Corporate Debtor who submitted that these documents are necessary documents for the proper adjudication of the matter i.e. IB-391/ND/2023. However, Ld. Counsel on

behalf of the Operational Creditor submitted that by way of these documents, the Corporate Debtor has changed his line of defence (which is already taken in the reply to the main petition). Ld. Counsel for the Applicant refuted this argument. However, since, the Section 9 petition is yet to be heard and decided, we feel that it will be in the interest of justice to see those documents also before deciding the main case. Therefore, we allow this application and take on record the additional documents appended as Annexure RA-8-RA10 which will be considered in IB-391/ND/2023. However, liberty is given to the Operational Creditor to rebut the contents of these documents if, they so desire. With these observation, the present application i.e. IA/756/2024 is **disposed off**.

List the main matter i.e. IB-391/ND/2023 along with IA/755/2024 for arguments on **04.06.2024**.

Sd/-
(Dr. SANJEEV RANJAN)
MEMBER (T)

Sd/-
(MAHENDRA KHANDELWAL)
MEMBER (J)