

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

Item No. 106
New Rest. A-47/2024
In
IB-591(ND)/2021

IN THE MATTER OF:

M/s. Bank of Baroda through Reshma Mitta

.....APPLICANT/PETITIONER

Vs

M/s. Akshay Sharma.

.....RESPONDENT

SECTION

U/s 95(1) of IBC, 2016

Order delivered on 01.05.2024

CORAM:

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

SHRI ATUL CHATURVEDI, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr/Ms. Anika Bajpai, Ms. Aanchal Gupta, Advocates.

For the Respondent :

HYBRID HEARING (PHYSICAL & VC)

ORDER

New Rest. A-47/2024:-

This application has been filed seeking the following prayers:-

- *Recall the order dated 13.03.2024.*
- *Pass directions for the Restoration/ Revival of the Company Petition bearing CP (IB) No. 591 /2021 titled "Bank of Baroda through Reshma Mittal vs Akshay Sharma" and/or*

It is stated by the Learned Counsel appearing for the Applicant/Bank that the report filed by the Resolution Professional was not accepted because the AFA had expired and the Resolution Professional did not take proper step to get the AFA renewed. It is also stated that the amount of claim in this matter is about 14 crores.

Having regard to the facts and circumstances of the case, we recall our order dated 13.03.2024 and restore the IB-591(ND)/2021 to its original position, subject to payment of cost of Rs. 1,00,000/- by the Applicant to be deposited in Prime Minister's National Relief Fund within one week. The Applicant shall file proof of

deposit within two days after depositing the cost. Learned Counsel appearing for the Applicant/Bank stated that an application seeking substitution of the Resolution Professional shall be filed shortly.

IA **disposed of.**

Sd/-

(ATUL CHATURVEDI)
MEMBER (TECHNICAL)

Sd/-

(BACHU VENKAT BALARAM DAS)
MEMBER (JUDICIAL)