

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT-VI

Item No. 605
IB-1788/PB/2018

IN THE MATTER OF:

Mrs. Sarika Somvanshi and Ors.

...PETITIONER

Vs.

M/s. R. S. Stones Pvt. Ltd.

...RESPONDENT

Section

U/s 7 of IB Code, 2016

Order delivered on 23.05.2023
(Virtual Hearing)

Coram:

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

PRESENT:

For the Petitioner/Financial Creditor

:
:Mr. Prakhar Srivastava, Adv. Mr. Deepak Kumar Agarwal, RP

For the RP

For the Applicant

:Mr. Bhanu Mishra and Mr. Ravinder Kumar, Adv. in IA NO 2646

For the Respondent/Corporate Debtor

:Ms. Zinne Mehta, Adv. in I.A 43 of 2023

ORDER

IA/994/2021

This application has been filed seeking initiation of liquidation process of the Corporate Debtor. Proxy Counsel is appearing on behalf of Ms. Kanika Mittal, Ld. Counsel for the RP has submitted that this Tribunal vide order dated 11.04.2023 in IA/6145/2022 passed an order and the operative part is extracted below:-

“However, it has been mentioned that since the CIRP period has elapsed, therefore, proceedings of liquidation are commenced. In view of the above, the CIRP process for identifying Successful Resolution Applicant and the Resolution

Plan be proceeded with in accordance with law and the CD may not be proceeded with with respect to the Liquidation process. This application is accordingly disposed off.”

Ld. Counsel has therefore submitted that the present application may be adjourned for the time being, since the report of the CoC is awaited. List the matter after two weeks. Mr. Deepak Kumar Agarwal, RP in person is also present. List on **07.07.2023**.

IA/1069/2021

Heard the submissions made by the Counsel for the Applicant. Ld. Counsel appearing for the Respondent seeks further time to file reply affidavit. Ld. Counsel for the Respondent has also submitted that before filing of the reply, the Respondent needs to inspect the site and she further submit that RP is obstructing visiting the site and making proper inspection. We therefore direct that the RP will not come in the way of the Respondent in inspecting the site. Three weeks' time is granted for filing the reply as a last and final opportunity. List on **07.07.2023**.

IA/1563/2021

None appears at the time of virtual hearing of the matter. On 11.04.2023 also no one has appeared on behalf of the Applicant. The present IA/1563/2021 is **dismissed as withdrawn**.

IA/5320/2021

On the request made by the Counsel for the RP, matter is adjourned by one week. List on **07.07.2023**.

IA/3813/2022

The present IA is adjourned by two weeks. Both the parties are directed to appear physically on the next date of hearing. List on **07.07.2023**.

IA/43/2023

Rejoinder, if any, may be filed by the Respondent within one week. List on **07.07.2023**.

IA/2646/2023

This is an application under Rule 11 and Rule 48 of the NCLT Rules, 2016 alongwith affidavit verifying the Application.

Counsel for the Applicant has sought approval of this Tribunal to restore IA/1020/2023. In IA/1020/2023 it is submitted that the Applicant for consideration of his claim sought direction to RP to consider his claim which has been filed with a delay. In the interest of justice, this application is allowed and the Applicant is directed to deposit a cost of Rs.20,000/- in Bharatkosh. In view of the above, the IA/1020/2023 is restored and IA/2646/2023 is accordingly **disposed off**.

Sd/-
(Rahul Bhatnagar)
Member (T)

Sd/-
(Bachu Venkat Balaram Das)
Member (J)