

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**SPECIAL BENCH (COURT – II)**

**Item No. 107**  
**(IB)-35(ND)/17**  
**New IA-224/2023**

**IN THE MATTER OF:**

**M/s. Helpline Hospitality Pvt. Ltd.**

... **Applicant/Petitioner**

**Under Section: 9 of IBC, 2016 (Liq.)**

**Order delivered on 16.01.2023**

**CORAM:**

**SHRI. ASHOK KUMAR BHARDWAJ,**  
**HON'BLE MEMBER (JUDICIAL)**

**SHRI. RAHUL BHATNAGAR,**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

**For the Applicant** : Sr. Adv. Salman Khurshid, Adv. Apoorv Agarwal,  
Adv. Manav Garg, Adv. Abhishek Kumar Jaiswal,  
Adv. Tehsheena Z. Hussain, Adv. Jyoti Singh  
**For the Respondent** : Mr. Arun Kumar, Advocate alongwith Mr. Sameer  
Rastogi, Advocate and Mr. Sarvesh Kashyap,  
Liquidator for Respondent No. 1

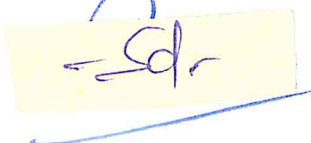
**ORDER**

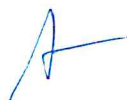
**IA-224/2023:** Mr. Sharad, Ld. Senior Counsel for the Applicant produced a copy of order dated 09.01.2023 passed by the Hon'ble Delhi High Court W.P. (C) 232/2023 and CM Appls. 847/2023, 848/2023 to point out that his interest was protected by Hon'ble High Court till 23.01.2023, beyond which he was at liberty to approach this Tribunal for appropriate relief. The Para 5-7 of the order passed by the Hon'ble Delhi High Court on 09.01.2023 reads thus:

*“(5) Ld. Counsel for the Petitioner seeks a compassionate consideration on the ground that the Petitioner was suffering from throat cancer and lives with his family in the said property.*

*(6) Considering the same, the possession of the said property may be taken by the Respondent by 23<sup>rd</sup> January, 2023. The Petitioner shall accordingly give the keys to the*

Isha



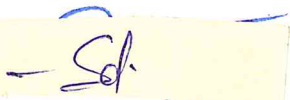


*Respondent on 23<sup>rd</sup> January, 2023. An undertaking of the Petitioner who is present in Court is recorded and accepted by the Court that the keys would be handed over. In the meantime, if the Petitioner wishes to avail of his remedies before the NCLT, he is permitted to do so. (7) The amount of Rs. 2 lakhs paid to the Police for deployment of personnel for taking possession shall be considered for deploying the team for 23<sup>rd</sup> January, 2023, if the same is required.”*

Qua merits in his application the Ld. Senior Counsel submitted that the RP found the claim of the Operational Creditor, who invoked the CIRP process not only as untenable but fraudulent. Having espoused so he pleaded that not only the main application for initiation of CIRP need to be rejected, but the provisions of Section 65 of IBC need to be invoked against the Operational Creditor. At this stage, we may not comment upon the merits of the plea so espoused. Nevertheless, issue notice in IA-224/2023 returnable on 31.01.2023. Ld. Counsel present along with RP accepts notice and seeks an opportunity to file reply to IA within the given time.

In the meantime, the status-quo qua the property referred to in the order of Hon'ble Delhi High Court i.e., Plot No. 158, Block-G. Sector 41, Noida, Pst. G.B. Nagar, UP-201301 be maintained by the parties.

List the matter on 31.01.2023.



**(RAHUL BHATNAGAR)  
MEMBER (T)**



**(ASHOK KUMAR BHARDWAJ)  
MEMBER (J)**