

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI**

**Company Appeal (AT) (Ins.) No. 644 of 2019**

**&**

**I.A. No. 2106 of 2019**

**In the matter of:**

**Darshan Gandhi, Ex-Director,  
Lok Housing & Construction Ltd.**

**....Appellant**

**Vs.**

**USV Pvt. Ltd.& Anr.**

**....Respondents**

**Present**

**For Appellant: Mr. Krishnendu Datta, Sr. Advocate alongwith  
Mr. Utsav Mukherjee, Mr. Rajendra Mishra,  
Mr. Mukesh Gupta, Ms. Megha Tyagi, Ms. Deepti  
Babel, Mr. Darshan Gandhi, Ashwini Patil, Mr. Rahul  
Gupta & Ms. Surekha Raman (Intervener).**

**For Respondents: Mr. Dhruv Mehta, Sr. Advocate alongwith Mr. P.B.A.  
Srinivasan, Mr. Avinash Mohapatra & Mr. Shaabab S  
Jan, Advocates.  
Shaila Tawara, for R-1.  
Mr. Hemant J Mehta (IRP) & Ms. Anjali Sharma,  
for R-2.  
Mr. Divyang Chandiramani & Mr. Himanshu Satija,  
for Intervenor  
Ms. Ichchha Kalash, for SBI.  
Mr. Devrajan Raman (AR for Home Buyers).**

**With**

**Company Appeal (AT) (Ins.) No. 79 of 2021**

**In the matter of**

**Darshan Gandhi  
Vs.**

**....Appellant**

**Hemant Mehta& Anr.**

**....Respondents**

**Present**

**For Appellant: Mr. Krishnendu Datta, Sr. Advocate alongwith  
Mr. Utsav Mukherjee, Mr. Rajendra Mishra, Mr. Mukesh  
Gupta, Ms. Megha Tyagi, Ms. Deepti Babel, Mr. Rahul  
Gupta & Mr. Ashwini Patel.**

**For Respondents:** Mr. Dhruv Mehta, Sr. Advocate alongwith Mr. P.B.A. Srinivasan, Mr. Avinash Mohapatra, & Ms. Anjali Sharma.  
 Mr. Hemant J Mehta (IRP), for R-2.  
 Ms. Ichchha Kalash, for SBI.  
 Mr. Devrajan Raman (AR for Home Buyers).

**With**

**Contempt Case No. 10 of 2021**

**IN**

**Company Appeal (AT) (Ins.) No. 79 of 2021**

**In the matter of**

**Darshan Gandhi**

**....Appellant**

**Vs.**

**Hemant Mehta & Anr.**

**....Respondents**

**Present**

**For Appellant:** Mr. Krishnendu Datta, Sr. Advocate alongwith Mr. Utsav Mukherjee, Mr Rajendra Mishra, Mr. Mukesh Gupta, Ms. Megha Tyagi, Ms. Deepti Babel, Mr. Rahul Gupta & Mr. Ashwini Patel.

**For Respondents:** Mr. Dhruv Mehta, Sr. Advocate alongwith Mr. P.B.A. Srinivasan, Mr. Avinash Mohapatra, & Ms. Anjali Sharma.

**ORDER**  
**(Virtual Mode)**

**09.06.2021:** Learned Counsel for the Appellant is present.

Learned Counsel for the Respondents are also present.

All the three matters are listed today pursuant whereby the Order passed in Contempt Case No. 10 of 2021 in Company Appeal (AT) (Ins.) No. 79 of 2021 dated 9<sup>th</sup> April, 2021.

From perusal of the Paragraph 13 of the Order dated 09<sup>th</sup> April, 2021 of this Tribunal whereby the Registry was directed to give a specific note as to whether Replies in all four Interlocutory Applications, namely, I.A. No. 2106 of 2019, 2609 of 2019, 2614 of 22019 & 4316 of 2019. Further, an I.A. No. 2660 of 2019 was filed with a prayer to permit the Applicant to intervene in this matter. It was also directed to be listed on the next date. In this intervention application which is yet to be allowed Reply has been filed on behalf of the Learned Counsel for the Appellant. List this intervention application with the aforesaid Interlocutory Applications.

From the perusal of the Office Note it appears that no note has been given by the Registry. The Registry is directed to comply the Order dated 9<sup>th</sup> April, 2021 under the direction in Para-13 thereof and give specific Office Note as to whether Replies in all four Interlocutory Applications, namely, I.A. No. 2106 of 2019, 2609 of 2019, 2614 of 22019 & 4316 of 2019 have been filed or not.

Learned Counsel for the Appellant submits that he has filed a soft copy of his Reply to the aforesaid Interlocutory Applications and seeks permission to file the hard copy of the same. He is directed to file his Reply within two weeks.

Further, in Contempt Case No. 10 of 2021 Notices were issued and Learned Counsel for the Respondent No. 1 has filed his Reply on 05.05.2021. Learned Counsel for the Respondent No. 1 is directed to serve the soft copy of his Reply to the Learned Counsel for the Appellant, within one week.

Learned Counsel for the Respondent No. 2 prays for some time to file his Reply in Contempt Case No. 10 of 2021. Prayer allowed. Learned Counsel for the Respondent No. 2 is directed to file the hard copy of his Reply, within two weeks.

In Company Appeal (AT) (Ins.) No. 644 of 2019 it was submitted by the Learned Counsel for the Appellant that he has received the soft copy of the Reply filed on behalf of Learned Counsel for the Respondent No. 1. Learned Counsel for the Respondent No. 1 is directed to file the hard copy of his Reply, within two weeks.

Further, Learned Counsel for the Respondent No. 2 prays for some more time to file his Reply. Prayer allowed. Learned Counsel for the Respondent No. 2 is directed to file the hard copy of his Reply, within two weeks. Rejoinder, if any, may be filed one week thereafter.

In Company Appeal (AT) (Ins.) No. 79 of 2021 Learned Senior Counsel for the Appellant submits that he has received the soft copy of the Reply Affidavit submitted on behalf of the Learned Counsel for Respondent No. 1 yesterday only. Learned Counsel for the Respondent No. 1 is directed to file hard copy of the Reply Affidavit, within two weeks. Learned Counsel for the Appellant seeks some time to file his Rejoinder. Prayer allowed. He is directed to file hard copy of the Rejoinder, within one week, thereafter.

Learned Counsel for the Respondent No. 2 has not file his Reply in Company Appeal (AT) (Ins.) No. 79 of 2021. He is directed to file the hard copy

of the Reply, within two weeks. Rejoinder, if any, may be filed one week thereafter.

In the meanwhile, Learned Counsel for the Parties are directed to file the hard copy of their Written Submissions not exceeding five pages alongwith the relevant case laws, within four weeks.

List this matter '**For Admission (After Notice)**' on **6<sup>th</sup> August, 2021**.

Interim Order to continue till next date.

**[Justice Anant Bijay Singh]**  
**Member (Judicial)**

**[Ms. Shreesha Merla]**  
**Member (Technical)**

*Sim/nn*