

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 & Constructions Ltd.**

....Appellant

Vs.

USV Pvt. Ltd. & Anr.

....Respondents

Present

For Appellant:

**Mr. Krishnendu Datta, Sr. Advocate along with
Mr. Utsav Mukherjee, Ms. Megha Tyagi, Ms. Deepti
Babel, Mr. Darshan Gandhi, Mr. Hardik Khatri &
Mr. Rajat Sinha.**

Mr. Ashwini Patil, Intervenor in Trade Tech Pvt. Ltd.

For Respondents:

**Mr. P.B.A. Srnivasan, Mr. Parth D Tandon, Mr. Avinash
Mohapatra, Ms. Nikitha Ross, Ms. P.S. Chandralekha,
Ms. Prerana Sabharwal & Ms. Sneha Iyer, Applicant for
SBI.**

Ms. Anjali Sharma, for RP.

Mr. Devrajan Raman, AR for Home Buyers.

Ms. Shaila Tawara & Mr. Pulkit Sharma, for R-1.

**Mr. Shikhil Shiv Suri, Madhu Suri, Ms. Vinishma Kaul,
Ms. Komal Gupta, Ms. Mahima Aggarwal, Mr. Shadab
Jain & Ms. Nikita Thapar, for I.A. No. 4316 of 2019.**

With

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 along with
Mr. Utsav Mukherjee, Ms. Megha Tyagi, Ms. Deepti**

**Babel, Mr. Darshan Gandhi, Mr. Hardik Khatri,
Mr. Rajat Sinha & Mr. Ashwini Patil.**

**For Respondents: Mr. Parth D Tandon, Mr. Avinash Mohapatra,
Mr. P.B.A. Srinivasan, Ms. Prerana Sabharwal,
Ms. Nikitha Ross & Ms. Sneha Iyer, Applicant for SBI.
Ms. Anjali Sharma, for RP.
Mr. Devrajan Raman, AR for Home Buyers.
Ms. Shaila Tawara, Mr. Pulkit Sharma, for R-2.**

With

**Contempt Case (AT) No. 10 of 2021
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 along with
Mr. Utsav Mukherjee, Ms. Megha Tyagi, Ms. Deepti
Babel, Mr. Darshan Gandhi, Mr. Hardik Khatri &
Mr. Rajat Sinha.
Mr. Ashwini Patil, Intervenor in Trade Tech Pvt. Ltd.**

**For Respondents: Mr. Parth D Tandon, Mr. Avinash Mohapatra,
Mr. P.B.A. Srinivasan, Ms. Nikitha Ross, Ms. P.S.
Chandralekha, Ms. Prerana Sabhrwal & Ms. Sneha Iyer,
for R-2.
Ms. Anjali Sharma, for RP.
Mr. Devrajan Raman, AR for Home Buyers.**

With

Company Appeal (AT) (Ins.) No. 1095 of 2021

In the matter of:

Darshan Gandhi

....Appellant

*Comp. App. (AT) (Ins.) No. 644 of 2019 & I.A. No. 2106 of 2019,
Comp. App. (AT) (Ins.) No. 79 of 2021,
Contempt Case (AT) No. 10 of 2021 Comp. App. (AT) (Ins.) No. 79 of 2021 &
Comp. App. (AT) (Ins.) No. 1095 of 2021*

Vs.

Sankalp Realty Pvt. Ltd. & Ors.

....Respondents

Present

For Appellant: Mr. Krishnendu Datta, Sr. Advocate along with Mr. Utsav Mukherjee, Ms. Megha Tyagi, Ms. Deepti Babel, Mr. Darshan Gandhi, Mr. Hardik Khatri & Mr. Rajat Sinha.

**For Respondents: Mr. Chetan Kapadia, Mr. Dhrumil Shah, Ms. Vidisha Rohita, for R-1.
Ms. Anjali Sharma, for R-2 & 3.**

ORDER
(Virtual Mode)

05.01.2022: Learned Counsel for the Appellant and Respondent are present.

In terms of the Order dated 15.12.2021 it was submitted by the parties that some talks of settlement are going on outside of the court.

Today, when the case was called out Learned Counsel for the State Bank of India submits that they have only received a letter but as per the condition 5% of the amount has not been deposited.

Further, Learned Counsel for the IRP submits that proposal for the settlement between the parties has to be placed before the CoC but no such steps have been taken up. Now, this matter will be heard on merits.

In Company Appeal (AT) (Ins.) No. 1095 of 2021 an Interlocutory Application has been filed bearing I.A. No. 2926 of 2021 for stay against the Impugned Order dated 22.11.2021 passed by the Learned Adjudicating

Comp. App. (AT) (Ins.) No. 644 of 2019 & I.A. No. 2106 of 2019,

Comp. App. (AT) (Ins.) No. 79 of 2021,

Contempt Case (AT) No. 10 of 2021 Comp. App. (AT) (Ins.) No. 79 of 2021 &

Comp. App. (AT) (Ins.) No. 1095 of 2021

Authority (National Company Law Tribunal, Mumbai Bench, Court- III) in I.A. No. 402/2021 in CP (IB)/4135 (MB) 2018.

Heard Learned Senior Counsel Mr. Krishnendu Datta at length who appears on behalf of the Appellant.

Learned Counsel for the Appellant and Respondent No. 1 & 2 are present. They are directed to file hard copy of the Reply Affidavit in the main Appeal and also in the aforesaid I.A. latest by 17.01.2022. Rejoinder, if any, may be filed by Learned Counsel for the Appellant as a hard copy latest by 23.01.2022. Office of the Registry is directed to accept the same.

Company Appeal (AT) (Ins.) No. 1095 of 2021 be listed along with three other appeals **'For Hearing'** on **09th February, 2022**.

Interim Order to continue till next date of hearing.

[Justice Anant Bijay Singh]
Member (Judicial)

[Ms. Shreesha Merla]
Member (Technical)

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