

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

**Company Appeal (AT) (Ins.) No. 118 of 2024  
& I.A. No. 375 of 2024**

**IN THE MATTER OF:**

**Darshan Gandhi**

**...Appellant**

**Versus**

**Hemant J Mehta RP & Anr.**

**...Respondents**

**Present:**

**For Appellant: Mr. Shreyash U. Lalit, Mr. Manish Paliwal, Ms. Megha Yadav, Advocates.**

**For Respondents: Ms. Anjali Sharma, Advocate for R-1.**

**ORDER**  
**(Hybrid Mode)**

**28.02.2024:** Heard learned counsel for the Appellant as well as learned counsel appearing for the Respondent. This appeal has been filed against the order dated 20.11.2023 by which order application I.A. No.3628/2023 filed by the Resolution Professional seeking exclusion of period of 936 days in computation of 270 days of insolvency process period, has been allowed. The Appellant – Suspended Director aggrieved by the said order has come up in this Appeal.

2. Learned counsel for the Appellant submits that there is no consideration of the period of exclusion and without adjudication of the said issue, the Adjudicating Authority has allowed exclusion. It is further submitted that the Resolution Professional on the one hand sought exclusion

*Cont'd.../*



and on the other hand raised bills for the period for which exclusion has been granted.

3. Learned counsel for the Respondent submits that the Adjudicating Authority has noticed in Para 2.12 the details of exclusion of 936 days and the submission that no details are given is incorrect.

4. We have considered the submission of learned counsel for the parties and perused the records.

5. The Adjudicating Authority in Para 13 has returned following finding:

*“13. As can be seen from the various orders of Hon'ble NCLAT & Hon'ble Apex Court, the Intervener/Ex-Director tried to stall the Insolvency Resolution Process at every possible steps and obtained orders (i) restraining the constitution of CoC or (ii) Not to implement decisions of CoC or (iii) Status Quo with respect to CIRP of the Corporate Debtor.”*

6. A perusal of the record indicates that the Promoter/Director have challenged proceedings at different stages, beginning from the date of admission of the CIRP, appeals in the Supreme Court has also been filed against order of this Tribunal. Finding of the Adjudicating Authority that the Ex-Director tried to stall the CIRP at every stage is fully justified in the facts of the present case.

7. Exclusion has been granted by the Adjudicating Authority after noticing the details in Para 2.12, we thus do not find any ground to interfere with the

order of the Adjudicating Authority excluding the period. However, it shall be open for the aggrieved party to raise issue with regard to entitlement of fee of Resolution Professional. At the time of exclusion, question of fee of Resolution Professional was not examined and adjudicated. With the above observations and liberty, the Appeal is dismissed.

**[Justice Ashok Bhushan]  
Chairperson**

**[Barun Mitra]  
Member (Technical)**

**[Arun Baroka]  
Member (Technical)**

*Archana/nn*