

NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

105. I.A. 2173/2022, I.A. 1301/2021,
I.A. 325/2021, I.A. 2510/2023,
I.A. 33/2021, I.A. 2489/2020 IN
C.P.(IB)-4135(MB)/2018

CORAM: MS. LAKSHMI GURUNG, MEMBER (J)
SHRI. CHARANJEET SINGH GULATI, HON'BLE MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **18.12.2023**

NAME OF THE PARTIES: USV Pvt. Ltd
V/s.
Lok Housing & Construction Ltd

SECTION 7 OF IBC, ACT2016

ORDER

Hearing Through: Virtually and Physical (Hybrid) Mode

Adv. Shyam Kapadia for R-5 in I.A. 1301/2021 and Adv. Rohit Gupta R-6 in I.A.1301/2021 and Adv. Mayur Khandeparkar a/w Hukai Taly, Adv. Aziz Mohd. & Adv. Gaurav for R-2 In I.A. 325/2021, 1301/2021 and Adv Ravindra Ingale a/w. Sr. Adv. Rohit Gupta for Intervenor Society in IA No.1301/2021 and 325/2021 and Adv Anoop U Patil for Respondent SRA & AGRC in IA/325/2021 & IA/1301/2021 and Harsh Kesharia for RP in all IAs are present.

I.A. 2173/2022

This is an application filed jointly by Subhash Chandra Tiwari and Abha Tiwari seeking direction from this Tribunal to direct the IRP to include their claims. Reply has been filed by the RP and rejoinder has also been filed. However, the Counsel for the RP has not received the copy of the rejoinder. The Counsel for the Applicant is directed to provide the copy of the rejoinder to the Counsel for the RP. The Counsel for the RP is directed to provide his email address for serving the copy of the rejoinder.

In the meantime, the Applicant is also directed to place on record the Memorandum of Understanding dated 02.12.2013 and Revision letters dated 28.06.2014 and 02.07.2014 by way Additional Affidavit, after serving the same on the opposite side and file proof of the service of the affidavit.

List this matter on **29.01.2024**.

I.A. 1301/2021

This is an application filed by the RP. Respondent No. 1 is the Statutory Authority and Pro forma party. Respondent No. 2 has filed his reply on 19.11.2021. Respondent No. 3 has not filed reply. One last opportunity is granted to Respondent no.3 to file the reply within two weeks, failing which the right of Respondent no. 3 to file the reply shall stand forfeited. Respondent No. 4 has also filed the reply on 24.11.2021 and Respondent No. 5 has also filed the reply on 22.12.2021. Respondent No.6 was impleaded as a necessary party in this I.A. vide order dated 05.04.2022 wherein I.A. 879/2022 was allowed. Accordingly, the Respondent No. 6 has also filed his reply on 29.04.2022. However, the Counsel for the RP submits that he is not received the reply from Respondent No. 6. The Counsel for the Respondent No. 6 is directed to provide the copy of the reply to the Counsel for the RP.

The amended memo of parties is not yet been filed. The RP is directed to file the amended memo of parties pursuant to the order dated 05.04.2022.

List this matter on **29.01.2024 for further consideration**.

I.A. 325/2021

This is an application filed by the RP. Respondent No. 1 is proforma party. Respondent No. 2 has filed the reply on 19.11.2021. Respondent No. 3 has not filed reply. One last opportunity is granted to file the reply within two weeks, failing which the right of Respondent No. 3 to file the reply shall stand forfeited. The Counsel for the RP submits that he is not received the copy of the reply from Respondent No. 2. Respondent No. 2 is directed to serve the copy of the reply to the Counsel for the RP.

List this matter on **29.01.2024**.

I.A. 2510/2023 & I.A. 33/2021

Ld. Counsel for the Applicant submits that, he has filed an I.A. for withdrawal of the above two I.A.'s which is under scrutiny and expected to listed early. The said statement of the Applicant is taken on record.

List above I.A.'s on **29.01.2024**.

I.A. 2489/2020

None appeared for the applicant. List this matter on **29.01.2024** for appearance of the Applicant/dismissal of the application.

Sd/-
CHARANJEET SINGH GULATI
Member (Technical)

//SHUBHAM//

Sd/-
LAKSHMI GURUNG
Member (Judicial)