

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

Company Appeal (AT) (Insolvency) No. 386 of 2020

IN THE MATTER OF:

**Sandeep Ralhan,
Suspended Board of Director
M/s. Hector Reality Ventures Pvt. Ltd.
M-27, First Floor, Shri Niwasपुरि
New Delhi - 110065**

**...Appellant/
Corporate Debtor.**

Versus

- 1. Mr. Anand Prakash Soni,
C-82, Near Lok Seva Hospital,
Kamla Nehru Nagar,
1st Extension, Jodhpur,
Rajasthan - 342001**
- 2. Mr. Sourabh Soni,
Ram Dwara Gal Ghoron Ka Chowk,
Jodhpur, Rajasthan - 342001**
- 3. Mr. Suraj Prakash Soni,
Manohar Lal Suraj Prakash Jewellers,
Ghodo Ka Chowk Kundeshwar Mahadev,
Mandir Ke Saamne,
Jodhpur Rajasthan - 342001**
- 4. Mrs. Durga Devi Soni,
42, Income Tax Colony,
RTO Road Paota C Road,
Jodhpur Rajasthan**
- 5. Mr. Shalu Soni,
42, Income Tax Colony,
RTO Road Paota C Road,
Jodhpur Rajasthan**
- 6. Mr. Ram Raj Soni,
Shankar Bhawan Jata Bass Ka,
42, Income Tax Colony,**

**RTO Road Paota C Road,
Jodhpur Rajasthan**

**6. Mr. Ram Raj Soni,
Shankar Bhawan Jata Bass Ka,
Nukkar 1/S Sojati Gate,
Jodhpur Rajasthan**

**7. Ms. Deepika Soni,
73, Hinglaj Nagar Housing Board,
Jodhpur Nandanwan Rajasthan – 342008**

**8. Mrs. Pooja Soni,
73, Hinglaj Nagar Housing Board,
Jodhpur Nandanwan Rajasthan – 342008**

**9. Ms. Yogita Soni,
Sonaron Ka Bass,
Jodhpur Rajasthan-342001**

**10. Ms. Nikita Soni,
Sonaron Ka Bass,
Jodhpur Rajasthan-342001**

**11. M/s. Hector Reality Ventures Pvt. Ltd.
Through Its Interim Resolution Professional (IRP),
C.A. Piyush, IBBI/IPA-001/IP-P01133/2018-19/11883
60, LGF, National Park, Lajpat Nagar – IV,
New Delhi - 24**

**12. Sanjeet Kumar Sharma,
Interim Resolution Professional
For Its Anand Prakash Soni & Ors.**

**...Respondents/
Corporate Creditors.**

Present:

For Appellant: Mr. Manoj K Srivastava, Advocate.

For Respondent: Mr. Vaibhav Tyagi, Advocate for R-1 to 10.

Mr. Manish Gupta, R-11, C.A.

ORDER
(Virtual Mode)

10.11.2020 Mr. Manoj K. Srivastava, Advocate on being asked states that copy of the Appeal was sent to Respondents for service on 06th November, 2020. On 09th October, 2020, the direction was to ensure service of copies of the Appeal to Respondent Nos. 1 to 10 and the IRP within a week. Mr. Vaibhav Tyagi, Advocate for R-1 to 10 states that the copy of the Appeal has been received yesterday evening and does not have any index and thus he is unable to know if the Appeal Paper Book sent is complete document or not.

2. The Learned Counsel states that the Appeal Paper Book sent is merely of 68 pages. The record of this Tribunal shows that Volume-I of the Appeal is of 68 pages and there are two other volumes: Volume-II and Volume-III and the last page is Page No. 692.

3. In this Appeal on 11th June, 2020, Mr. Manoj K Srivastava, Advocate had appeared for the Appellant and notice was issued and requisites were to be filed with process fees by 15.06.2020.

4. When Appeal came up on 17th July, 2020 there was nobody present and with directions to pay process fee within a week this Tribunal had fixed the matter on 17th August, 2020. On 17.08.2020 also there was nobody appearing for the parties. Still, this Tribunal had adjourned the matter to 08th September, 2020. On 08.09.2020 also there was no representation from the side of the Appellant and Learned Counsel for the Appellant was directed to take necessary
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steps for service on Respondent No. 11. Service of Notice of Respondent Nos. 6 to 8 was at that time awaited on 08th September, 2020.

5. On 09th October, 2020 also Mr. Manoj K Srivastava, Advocate was not present and the Learned Counsel for Respondent Nos. 1 to 10 Mr. Vaibhav Tyagi stated that copy of the Appeal has not be served on those Respondents. Even Mr. Manish Gupta, Chartered Accountant who appeared for Respondent No. 11 stated that he has not received the copy of the Appeal. We had directed the Learned Counsel for the Appellant to ensure service of copies of the Appeal to Mr. Tyagi and Manish Gupta within a week. In spite of such developments in the Appeal, today the position is that Learned Counsel for Respondent Nos. 1 to 10 has been served only Volume-I of the Appeal and the other two volumes have not been served. The Chartered Accountant Manish Gupta for IRP states that he has not yet received the copy of the Appeal.

6. Mr. Manoj K. Srivastava, Advocate is submitting that his Appeal is confined to only Volume-I and he is trying to explain that other two volumes are with regard to what was filed before the Adjudicating Authority.

7. We do not appreciate the manner in which the Appeal is being conducted. The Appeal deserves to be dismissed in default for not following directions which have been given by this Tribunal especially on 09th October, 2020.

8. In spite of directions, the Appellant did not serve copy of the Appeal or has served only part of the Appeal Paper Book. The Learned Counsel for Respondent Nos. 1 to 10 is submitting that the Copy of the Appeal which has been sent to him the Appeal Paper Book does not contain the Index and thus he could not

know what Appeal is filed. Looking to such statement of Learned Counsel of Respondent Nos. 1 to 10, we do not find that it is a mere case where compliance has remained. It appears Appellant is not ready to act as per directions. We cannot go on like this.

For such reasons, the Appeal is dismissed in default. No costs.

[Justice A.I.S. Cheema]
Member (Judicial)

[V.P. Singh]
Member (Technical)

Basant B./nn.