

NATIONAL COMPANY LAW APPELLATE TRIBUNAL, NEW DELHI

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

In the matter of:

Darshan Gandhi

....Appellant

Vs.

Hemant Mehta & Anr.

....Respondents

Present

For Appellant: Mr. Smriti Churiwal, Mr. Utsav Mukherjee, Mr. Yashwant Singh, Ms. Divya Poojari, Mr. Rajendra Mishra & Mr. Mukesh Gupta & Mr. Krishnendu Datta Advocates.

For Respondents: Mr. Dhruv Mehta, Sr. Advocate along with Mr. PBA Srinivasan, Mr. Abhijeet Sinha, Mr. Avinash Mohapatra, Ms. Ichchha Kalash, Mr. Parth Tandon, Ms. Anjali Sharma, Mr. Devrajan Raman & Mr. Subash Chandra Das (Intervenor).

With

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. Smriti Churiwal, Mr. Utsav Mukherjee, Mr. Yashwant Singh, Ms. Divya Poojari, Mr. Rajendra Mishra & Mr. Mukesh Gupta & Mr. Krishnendu Datta Advocates.

For Respondents: Mr. Dhruv Mehta, Sr. Advocate along with Mr. PBA Srinivasan, Mr. Abhijeet Sinha, Mr. Avinash Mohapatra, Ms. Ichchha Kalash, Mr. Parth Tandon, Ms. Anjali Sharma, Mr. Devrajan Raman & Mr. Subash Chandra Das (Intervenor).

ORDER
(Virtual Mode)

16.03.2021: From the perusal of the Order dated 12th February, 2021 in Company Appeal (AT) (Ins.) No. 644 of 2019 the Learned Counsels for the Parties were directed to file their Written Submissions along with the case laws not exceeding four pages. Written Submissions have been filed on behalf of Appellant on 26th February, 2021 which is taken on record. Written Submissions has been filed on behalf of State Bank of India/ Impleader on 15th March, 2021 which is also taken on record.

Respondent No. 2/ "*Lok Housing and Construction Pvt. Ltd.*" prays time to file their 'Notes of Written Submissions'. Prayer allowed. One-week time is given to Respondent No. 2 to file their 'Notes of Written Submissions' not exceeding four pages.

Further, it appears that this Tribunal is directed the matter to be listed today along with the Interlocutory Application 2106 of 2019 filed in Company Appeal (AT) (Ins.) No. 644 of 2019. Interlocutory Application No. 2106 of 2019 filed on 04.07.2019 on behalf of Applicant i.e. State Bank of India / Impleader.

Counsel for the State Bank of India are also present.

I.A. No. 4316 of 2019 is filed on behalf of Respondent No. 2 (Corporate Debtor) on 17.12.2019 which is also taken on record.

Learned Counsel Mr. Rajendra Mishra submitted that he has filed an Interlocutory Application which number is not mentioned vide Diary No. 14004 of 2019 dated 22nd August, 2019

I.A. No. 2609 of 2019 have been filed on behalf of *M/s Trade Tech* for impleadment in the party to implead in this matter. Registry is directed to list this I.A on the next date.

Learned Counsel may file their 'Reply Affidavit' within two weeks. Rejoinder, if any, may also be filed in I.A. No. 2609 of 2019 & 4316 of 2019 before the next date.

I.A. No. 2614 of 2019 has been filed by *Lok Everest Co- operative Housing Society Limited* also taken on record.

Registry is directed to list these four Interlocutory Applications, namely, I.A No. 2106 of 2019 in Company Appeal (AT) (Ins.) No. 644 of 2019, I.A No. 2609 of 2019, 4316 of 2019 & 2614 of 2019 on the next date.

Two weeks' time is granted to file Interlocutory Applications.

Learned Counsel for the Appellant submitted that by 12th February, 2021 this Tribunal directed to maintain a Status quo prevailing in the matter.

Further, it is submitted that this Order have been violated so, Learned Counsel is directed to file an I.A bringing all relevant documents. Registry is directed to accept the same.

Learned Counsel for State Bank of India propose to file an I.A. in Company Appeal (AT) (Ins.) No. 79 of 2021. He is permitted to file the Application.

Respondent No. 1 in Company Appeal (AT) (Ins.) No. 79 of 2021 prays time to file Reply Affidavit. He is permitted to file the same.

Interim Order to continue till next date.

List this matter along with all Interlocutory Applications on **9th April, 2021.**

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

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

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