

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 198-199 of 2021

IN THE MATTER OF:

Niraj Jha

...Appellant

Versus

Enkay (India) Rubber Co. Pvt. Ltd. & Ors.

...Respondents

Present:

For Appellant: Mr. Harish Katyal, Advocate.

For Respondents:

ORDER
(Through Virtual Mode)

22.03.2021: Having regard to the directions passed in *suo moto* jurisdiction by Hon'ble Apex Court and also by this Appellate Tribunal extending/ exempting the limitation w.e.f. 15th March, 2020 delay in preferring the appeal is condoned. I.As. No. 457 of 2021 and 460 of 2021 stands disposed off.

Vide impugned order dated 26th September, 2019, the Adjudicating Authority (National Company Law Tribunal) New Delhi, Principal Bench directed personal appearance of Appellant besides Mr. Dhiren Navlakha and Mr. Pawan Suri. In addition thereto, the Appellant was directed to handover custody of vehicles No. UK07BU0008 – Range Rover, UK16C0001 – Porsche and DL2CAT7722 – Range Rover – Evoque 5 DR, to the Resolution Professional within one week.

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Appeal preferred against the order came to be withdrawn in view of the fact that the Appellant had filed a Review Application before the Adjudicating Authority. Subsequently, order dated 4th November, 2020 came to be passed by virtue whereof Liquidator was directed to take assistance of Commissioner of Police for obtaining custody of the Porsche Car. This order came to be passed with the Adjudicating Authority observing that whatever be the reasons for inability on the part of the Appellant to handover the custody of Porsche Car to the Liquidator, since order dated 26th September, 2019 not having been complied with despite lapse of one year, same has become final. Mr. Harish Katyal, learned counsel for the Appellant invites our attention to the reply filed by the Appellant before the Adjudicating Authority wherein at para 9 of page 89 of the Appeal Paper Book it was submitted that the Porsche Case was not under the custody of Appellant. It is submitted that the Adjudicating Authority failed to consider the plea taken by the Appellant.

Issue notice upon Respondents No. 1 and 2 only. Appellant to provide mobile Nos./e-mail address of the Respondents No 1 and 2. Requisites along with process fee be filed within two days. Notice be issued through e-mail or any other available mode. Respondents No. 3 to 7 being an unnecessary surplusage are deleted from the array of Respondents. Appellant to make necessary corrections/ amendments in the Memo of Appeal within two days.

Post the matter 'for admission (after notice)' on **7th April, 2021**.

I.As. No. 456 of 2021 and 461 of 2021 are disposed off with direction to the Appellant to provide fair typed copies of Annexures within two weeks, if not already filed.

Notice as above. Meanwhile as an ad-interim the impugned orders dated 26th September, 2019 and 4th November, 2020 shall remain stayed till next date of hearing. I.As. No. 458 of 2021 and 459 of 2021 stand disposed off.

**[Justice Bansi Lal Bhat]
Acting Chairperson**

**[Dr. Ashok Kumar Mishra]
Member (Technical)**

am/gc