

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT – II)

Item No. 101

(IB)-17(ND)2019

**IA/1044/20, IA-797/2021, IA/4129/2020, IA/762/2021,
IA/3551/2020 & IA/3377/2020**

IN THE MATTER OF:

M/s. Ample Infrastructure Pvt. Ltd.

...

Applicant/Petitioner

Versus

M/s. Intellicity Business Park Pvt. Ltd.

...

Respondent

Under Section: 7 of IBC Code, 2016

Order delivered on 01.03.2021

CORAM:

**SHRI. ABNI RANJAN KUMAR SINHA,
HON'BLE MEMBER (J)**

**SHRI. L. N. GUPTA,
HON'BLE MEMBER (T)**

PRESENT: Mr. Sameer Rastogi Adv for RP, Mr. Pawan Bhushan, Adv for Financial Creditors, Mr. Sarvesh Kashyap – RP, Mr. Kumar Mihir, Adv with Mrs Geeta Mathur for Financial Creditors, Adv. Atul Sharma for RA, Mr. Chandar kant Chaudhary

ORDER

IA/1044/20: Heard Ld. Counsel appearing for the Applicant as well as Respondent and perused the averments made in the Application.

The Ld. Counsel appearing for the RP submitted that the car, which is in the name of the Corporate Debtor, is in the possession of the Respondent Mr. Chandar Kant Choudhary. He further submitted that despite several reminders, the Respondent has failed to handover the car to the RP. So, direction may be given to Mr. Chandar Kant Choudhary to handover the car.

On the other hand, Ld. Counsel appearing for the Respondent submitted that he has purchased the car from the Corporate Debtor and has already paid the entire consideration amount. He further admitted that the car is still in the name of the Corporate Debtor and has not been transferred in the name of the Respondent.





Considering the submissions made on behalf of the parties and on perusal of application, we notice that present Application is filed on behalf of the RP under Section 19(2) read with Section 60(5) of the IBC, 2016.

Since it is an admitted fact that the car is still in the name of Corporate Debtor but the same is under the possession and control of the Respondent, therefore, in our view, the Respondent is under the unauthorized possession of the car.

Hence, the RP is directed to take all necessary legal action in accordance with the provision of Law including institution of an FIR under Section 68 and other appropriate Sections of IBC as well as IPC to secure possession of the car of the CD.

With this, **the present IA stands disposed of.**

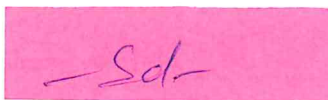
IA-797/2021: Ld. Counsel appearing for the RP informed that this application has already been disposed of on 22.02.2021. Hence, it is wrongly listed.

IA/4129/2020: Ld. Counsel appearing for the RP as well as Petitioner submitted that the Reply and rejoinder has already been filed but the same is not on the record. Therefore, they are requested to share the diary no. with the Court Officer, which is directed to place it on record.

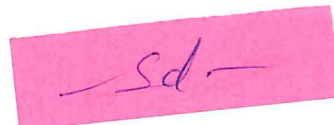
IA/762/2021: Since, the reply and the rejoinder filed by the respective parties are not on the record, list the matter on 19.03.2021.

In the meantime, the Counsels are requested to share the diary no. with the Court Officer.

IA/3551/2020 & IA/3377/2020: Heard RP. In course of hearing, the Ld. Counsel appearing for the Respective parties informed that there are other IAs in support of the Resolution Plan which are yet to be listed. Registry is directed to list all the connected IAs on 19.03.2021. Parties are requested to share the respective IAs' numbers with the Court Officer.



**(L.N. GUPTA)
MEMBER (T)**



**(ABNI RANJAN KUMAR SINHA)
MEMBER (J)**