

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI
Comp. App. (AT) (Ins.) No. 1045 of 2023**

In the matter of:

**Mr. Ajay Rana, Director Of Erstwhile Company M/s.
Sarika Industries Pvt. Ltd.
Vs.**

....Appellant

Sanjay Kumar Goel & Anr.

...Respondents

For Appellant:	Mr. Ramji Srinivasan, Sr. Advocate with Ms. Udit Singh, Mr. Arjun Sehgal, Ms. Namrata Saraogi, Mr. Kartik Pandey, Advocates.
For Respondents:	Mr. Vinit Trehan, Mr. Apar Chopra and Ms. Bhavya Jain, Advocates for R1. Mr. Vivek Sharma, IRP in person. Mr. Nitesh Sinha, Advocate for R2.

ORDER

07.08.2023: Learned Counsel for the Appellant is permitted to implead the GST Department as Respondent No.3. Amended memo be filed within three days.

2. Learned Senior Counsel for the Appellant submits that the principal amount for which the application was filed for Rs.79,82,857/- was the amount which the Appellant has not disputed in reply to demand notice. However, Appellant's case is that the GST Department has written to the Appellant not to make the payment to the Operational Creditor. It is submitted that the proceedings having initiated against the Appellant, the Appellant has to reverse the entire input tax credit.

3. Learned Counsel for the Respondent has relied upon the order passed by the Delhi High Court in W.P.(C) 6208/2019- ***“Redamancy World vs. Additional Director General Goods and Services Tax Intelligence, Gurugram Zonal Unit & Anr.”***

4. In the facts of the present case, we are of the view that the ends of justice be served in directing the Appellant to deposit the amount of Rs.79,82,857/- within two weeks by a Fixed Deposit in favour of the “Registrar, National Company Law Appellate Tribunal, New Delhi”.

5. Counsel for Respondent No.1 accepts notice. Counsel for Respondent No.2 also accepts notice. Issue notice to the newly impleaded Respondent. Reply be filed within two weeks. Rejoinder, if any, may be filed within one week thereafter.

6. List the Appeal on 15.09.2023.

In the meantime, the order impugned dated 25.07.2023 shall remain stayed.

[Justice Ashok Bhushan]
Chairperson

[Barun Mitra]
Member (Technical)

Anjali/nn