

NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Company Appeal (AT) (Insolvency) No. 165 of 2024

IN THE MATTER OF:

Deepak Raheja & Anr.

...Appellants

Versus

Omkara Asset Reconstruction Pvt. Ltd.

...Respondent

Present:

**For Appellant : Mr. Ajesh Kumar, Mr. Shweta Bharti, Mr. Rohit Jolly,
Mr. Shri Hari S, Ms. Bheeni Goyal and Mr. Harshal
Sareen, Advocates**

**For Respondent : Mr. Arun Kathpalia, Sr. Advocate with Mr. Anand
Singh Sengar, Advocates**

O R D E R
(Hybrid Mode)

24.01.2024 Learned Counsel for the Appellant is permitted to implead the IRP as one of the Respondent. Amended Memo of Appeal be filed within a week. Learned Counsel for the Appellants submit that Hon'ble High Court has heard the Writ Petition No.6037 of 2023 and orders are reserved which are expected to be delivered within a week or two.

Learned Senior Counsel Mr. Kathpalia, has pointed out that High Court in its order dated 09.10.2023 already clarified that there is no interim order and NCLT should proceed to decide.

Learned Counsel for the Appellant is submitted that Section 7 Application is admitted whereas all the default of the principal loan, two Company Petitions were earlier filed, have been withdrawn and in the recall notice there was mention of entire loan as well as two subsequent facilities extended to the Corporate Debtor.

Learned Counsel for the Appellant submits that Corporate Debtor is a running hotel. Learned Senior Counsel Mr. Kathpalia submits that under the arrangement with the Corporate Debtor the management of the hotel have been interested to JW Marriott i.e. hotel operating management.

Issue notice. Requisites along with process fee be filed within three days. Let Reply be filed by the Respondents within three weeks. Appellant may file Rejoinder within three weeks thereafter.

In the meantime, in pursuance of the impugned order Committee of Creditors may not be constituted. However, the IRP shall ensure that there is no hindrance caused in running of the hotel by the operating management agency, with the assistance of the ex-management and their employees who shall cooperate with the IRP.

List this Appeal on **5th March, 2024**.

[Justice Ashok Bhushan]
Chairperson

[Mr. Barun Mitra]
Member (Technical)

[Mr. Arun Baroka]
Member (Technical)

pks/nn