



IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
COURT-V
(Division Bench)

Item No.-520

(IB)-264(PB)/2023

New IA/5766/2024, IA(Liq.)/33/2024, RA/103/2024, IA/4193/2024,
IA/3893/2024, IA/3942/2023, IA/5973/2023

IN THE MATTER OF:

Go Airlines (India) Limited

.....Applicant

SECTION

U/s 10 IBC

Order delivered on 06.12.2024

CORAM:

SHRI MAHENDRA KHANDELWAL,
HON'BLE MEMBER (JUDICIAL)

Dr. SANJEEV RANJAN,
HON'BLE MEMBER (TECHNICAL)

HYBRID HEARING (PHYSICAL & VC)

PRESENT:

For the Applicant	:	Mr. Ratin Rai, Sr. Adv. with Mr. Diwakar Maheshwari, Mr. Vishnu Shriran, Ms. Pratiksha Mishra, Mr. Shreyas Edupuganti, Advs. for Applicant/RP Mr. Ravinder K Rawat, Adv. in IA/4193/2024 Mr. Vishav Bharti Gupta, Mr. Ubhai Bharti Gupta, Advs. in IA/3893/2024
For the Respondent	:	
For the CoC	:	Ms. Vishrutyi Sahni, Ms. Muskaan Gupta, Advs.
For the Suspended Management	:	Mr. Mustafa Doctor, Sr. Adv. with Ms. Anshula Grover, Mr. Lenpithang Sithlou, Advs.

ORDER

This matter has been taken up on mentioning by the Ld. Sr. Counsel on behalf of the Resolution Professional wherein the Ld. Sr. Counsel stated that in view of the urgency in the matter and in view of his engagement in other Courts, this matter be taken up at the beginning. Therefore, on his request we have taken up this matter.

**IA/5766/2024:-**

This is an application filed by the Resolution Professional under Section 60(5) of IBC, 2016 read with Rule 11 of NCLT Rules, 2016 seeking amendment in IA(Liq.)/33/2024 in respect of the name of the proposed Liquidator. Heard the submission made by Ld. Sr. Counsel on behalf of the Resolution Professional. During the course of hearing in IA(Liq.)/33/2024 at the previous occasion, it was found that the name of the person who was acting as the Resolution Professional was proposed as the Liquidator. However, in view of the communication received from the IBBI on the subject, the Resolution Professional has now proposed the name of the other person who will act as Liquidator if, the liquidation application is allowed. The present application is allowed and liberty is granted to the Applicant to amend the requisite paragraph of IA(Liq.)/33/2024. The amended copy of IA(Liq.)/33/2024 as filed is also taken on record. With these observations, the present application i.e. IA/5766/2024 is **disposed of**.

IA(Liq.)/33/2024:-

Ld. Sr. Counsel on behalf of the Applicant is present and sought time to seek specific instruction of the CoC in respect of CIRP Regulation 39B. Time prayed for is granted. List this application on **18.12.2024**.

RA/103/2024:-

This is an application filed under Rule 11 of NCLT Rules, 2016 seeking restoration of IA/1301/2024 which was dismissed for want of prosecution vide order dated 10.09.2024. Heard the submission made by Ld. Counsel on behalf of the Applicant. It is found that the IA/1301/2024 was dismissed as on the date fixed, no one had appeared on behalf of the Applicant. The said order also indicate that on the previous date of hearing i.e. on 11.07.2024 also, no one had appeared on behalf of the Applicant. It is the contention of the Ld. Counsel of the Applicant that the said counsel was in leg before another Court at the time when the matter was taken up on 11.07.2024 and also on 10.09.2024 and



in support of his contention he has filed some documents. Ld. Counsel on behalf of non Applicant (Resolution Professional) is also present and oppose the request stating that the Applicant was not appearing continuously. We have considered the submissions made by both the sides. Admittedly, no one had appeared on behalf of the Applicant at two consecutive dates. If, the Ld. Counsel was in his leg before another Court any of his colleague and associate could have appeared. However, keeping in view the fact that it is always better to decide an issue on merit and in the interest of justice, we restored the IA/1301/2024 subject to payment of cost of Rs. 1 lakh to be paid by the Applicant in the Prime Minister National Relief Fund and Applicant also need to file the proof of payment. The IA/1301/2024 shall only be heard on merits when the payment of proof of cost is filed by the Applicant and it is made clear that such kind of excuse shall not be entertained in future. The present application i.e. RA/103/2024 is **disposed of**.

List the IA/1301/2024 on **28.01.2025**.

IA/4193/2024:-

Ld. Counsel on behalf of the Applicant is present. Ld. Counsel on behalf of the Resolution Professional is present and sought time to file reply. Reply be filed within a period of 10 days. List this application on **27.01.2025**.

IA/3893/2024:-

This is an application filed under Section 60(5) of IBC, 2016 read with Rule 11 of NCLT Rules, 2016 seeking certain direction to the Resolution Professional including following:

- 2. Direct the Resolution Professional Mr. Shailendra Ajmera i.e. Respondent herein to release the security deposit of Rs. 18,61,643/- in favour of the Applicant Company, which is lying in the trust of Go Air (India) Limited.*



Heard the submission made by Ld. Counsel on behalf of the Applicant. As mentioned in Paragraph No. 4 of this application, the Applicant has submitted its claim in Form B to the IRP on 24.05.2023. Ld. Counsel on behalf of the non Applicant (Resolution Professional) is present and submitted that as mentioned in their reply, a claim filed by the Applicant in Form B has been admitted subject to receipt of further documents and information.

The Ld. Counsel on behalf of the Applicant acknowledges that their claim has been admitted by the Resolution Professional.

Since, the claim filed by the Applicant has already been admitted by the IRP, no further direction need to be passed in this matter. Needless to say any further action on the claim has to be taken in terms of the provisions contained in the IBC and rule their under. Therefore, no further order is required to be passed in the present application and the same is **dismissed as infructuous.**

IA/3942/2023 & IA/5973/2023:-

List both the applications on **28.01.2025.**

Sd/-
(Dr. SANJEEV RANJAN)
MEMBER (T)

Sd/-
(MAHENDRA KHANDELWAL)
MEMBER (J)