



\$~23

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 679/2022**

SHYAM KISHAN SARAF (HUF) Petitioner

Through: Mr. Puneet Bajaj, Advocate along
with Petitioner

versus

M/S. INDIRAPURAM HABITAT CENTRE PRIVATE LIMITED &

ORS. Respondents

Through: Mr. Aditya Madaan and Mr. Kailash,
Advocates for R-1 and R-4.
Mr. Amit Punj, Advocate for R-5.
Mr. Alok Kumar Pandey and Ms.
Muskan Dewan, Advocates for R-6.
Ms. Deepika, Advocate for R-7.
(Through VC)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **11.04.2023**

1. The learned counsel for the Respondent Nos. 1, 4, 5, 6 and 7 have entered appearance.
2. The learned counsel for the Respondent No. 1 and 4 states that the insolvency proceedings were admitted against Respondent No.1, by the NCLT *vide* order dated 22.08.2019 and Respondent No. 4 was appointed as Resolution Professional ('RP') on 06.11.2019.
3. He states that in view of these facts, the present contempt petition is not maintainable against the said Respondents more specifically against Respondent No. 4 as the cause of action in the present contempt petition



pertains to period prior to his appointment. He states that in view of these facts, the Respondent No.4 be deleted from the array of parties.

4. In reply, the learned counsel for the Petitioner seeks time to take instruction in this regard.

5. The learned counsel for the Respondent Nos. 1, 4, 5, 6 and 7 seek time to file their reply within a period of four (4) weeks. Rejoinder, if any, within a period of four (4) weeks thereafter.

6. None appears for Respondents Nos. 2 and 3.

7. The learned counsel for the Petitioner states on instructions that Respondent Nos. 2 and 3 are in judicial custody.

8. The learned counsel for the Petitioner seeks liberty to serve Respondents Nos. 2 and 3 through the counsel representing them before the Trial Court in the Section 138 of Negotiable Instruments Act, 1881, proceedings. It is ordered accordingly.

9. List on 18.08.2023.

MANMEET PRITAM SINGH ARORA, J

APRIL 11, 2023/hp/aa