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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 4799/2024 & CM Appl.19674/2024

AHSAN AHMAD

.....Petitioner

Through: Mr. Rachit Ranjan, Adv.

versus

SAPAN CHAKARABORTY & ORS.

.....Respondents

Through: Mr. Nitinja Chaudhry, Senior Panel
Counsel with Mr. Rahul Mourya, Mr.
Gokul Sharma, Ms. Ashima Kaur,
Ms. Sheffy Bhatia and Ms. Namrata
Bhatia, Advs. for R-1.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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07.08.2024

CM Appl.45133/2024*[For filing amended memo of parties]*

1. This is an Application filed on behalf of the Petitioner for filing the amended memo of parties as per the order dated 15.07.2024 passed by this Court.
2. Learned Counsel for the Respondents, who appears on advance Notice, submits that he has no objection if the prayers made in the Application is allowed.
3. Accordingly, the Application is allowed. The amended memo of parties is taken on record.

W.P.(C) 4799/2024 & CM Appl.19674/2024*[Stay]*

4. The Petitioner is a resolution professional appointed pursuant to proceedings of insolvency initiated against SDU Travels Pvt. Ltd. Learned Counsel for the Petitioner/Resolution Professional submits that the proceedings for insolvency were initiated against the SDU Travels



(Corporate Debtor) before the National Company Law Tribunal (hereinafter referred to as “NCLT”), Bengaluru. In terms of order dated 06.01.2022 passed by the NCLT, Bengaluru, a petition was admitted against the corporate debtor and moratorium was declared in terms of Section 14 of the Insolvency and Bankruptcy Code, 2016. Learned Counsel for the Petitioner submits that despite the fact that a moratorium was imposed on the corporate debtor on 06.01.2022, the learned Labour Court continued to adjudicate the claim petitions filed by the Respondent Nos.1 to 6 before the Authority under the Payment of Gratuity Act, 1972 and thereafter, passed the Impugned Order on 01.05.2023.

5. Learned Counsel for the Petitioner submits that the moratorium has since been extended till the present date. He further submits that the Authority was informed of the initiation of the insolvency proceedings as well as of the passing of the orders of moratorium by NCLT, Bengaluru by e-mail communications.

6. Learned Counsel for the Petitioner requests for an accommodation to place on record the proceedings before the NCLT as on date and the documents relied upon.

7. As a final opportunity, the learned Counsel for the Petitioner is granted two weeks’ time to file the requisite documents in support of his Petition.

8. List on 09.09.2024 in the Supplementary list.

TARA VITASTA GANJU, J

AUGUST 7, 2024/r

[Click here to check corrigendum, if any](#)