



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

**Item No.-201**

(IB)-1913(ND)2019

IA/1222/2026, IA/777/2026, IA/1191/2026, IA/459/2026, IA/584/2026,  
IA/5980/2025, IA/1015/2025, IA/5724/2025, IA/5929/2025, IA/5932/2025,  
IA/5935/2025, IA/5725/2025, IA/5928/2025, IA/5930/2025, IA/5933/2025,  
IA/987/2023, IA/180/2025, IA/3130/2025, IA/2563/2023, IA/2585/2023,  
IA/3108/2023, IA/2647/2023, IA/1073/2025, IA/1114/2025, IA/1017/2025,  
IA/1021/2025, IA/5874/2024, IA/4244/2025, IA/1282/2023, IA/1358/2023,  
IA/2927/2024

**IN THE MATTER OF:**

Indian Bank

....Applicant

**Vs.**

M/s. Nimitiya Hotel And Resorts Limited

....Respondent

**SECTION**

U/s 7 IBC

**Order delivered on 15.04.2026**

**CORAM:**

**JUSTICE JYOTSNA SHARMA,  
HON'BLE MEMBER (JUDICIAL)**

**MS. REENA SINHA PURI,  
HON'BLE MEMBER (TECHNICAL)**

**HYBRID HEARING (PHYSICAL & VC)**

**PRESENT:**

For the Applicant : Mr. Sanjiv Sen, Sr. Adv., Mr. Anant Gautam, Mr. Prahalad Balaji, Mr. Vibhu Sharma, Mr. Rishi Chauhan, Ms. Jharna Singh, Advs. for Indian Bank

For the Respondent : Mr. Abhinav Mukherjee, Sr. Adv., Mr. Nakul Mohta, Mr. Manoranjan Nayak, Ms. Khushboo Hora, Mr. Hitesh Nagar, Mr. Zain A. Khan, Ms. Saijal Arora, Mr. Sant Garg, Mr. Kumar Anurag Singh, Ms. Archita Nigam, Advs.

For the SRA : Mr. Sumesh Dhawan, Mr. Ajay Kumar, Mr. Pankaj Sethi, Ms. Akansha Mathur, Mr. Vijayant Goel, Mr. Sagar Thakkar, Advs.

For the RP : Mr. Abhishek Anand, Mr. Manuj Nagrath, Advs. a/w Mr. Navneet Gupta, RP in all IAs



## ORDER

### IA/1222/2026 & IA/5980/2025

The counsels for the Applicants and RP are present before us.

1. By our order dated 20.03.2026, in the wake of the fact that both the above-mentioned applications have been filed with substantially similar averments by the same parties and seeking same relief, and in view of inconsistent statements by the counsel for the Applicant we directed the Applicant to file an affidavit. For better understanding the relevant portion of the order is reproduced herein below:

***“Which one of the IAs (IA No. 1222/2026 or IA No. 5980/2025) shall be prosecuted by the Applicant, and which one of them shall not be pressed and consequently withdrawn?”***

2. The counsel for the Applicant states that the affidavit in compliance of the above directions has been filed and is available on record.
3. The Counsel for the RP at the very outset objected to the affidavit with vehemence stating that the Applicant has referred to many facts in the affidavit which cannot be included in view of the specific direction passed by this Bench. The counsel for the RP further submits that the affidavit runs into around 20 pages and that barring one para that is Para 5.2 all narration is directed against him. He further submitted that through this affidavit, the Applicant is bent upon bringing some facts which do not find place in his applications itself. The whole exercise has been done to cast aspersions on him and therefore, before this affidavit is allowed to be taken on record, the RP should be given a reasonable opportunity to rebut the facts and the allegations made in the affidavit.
4. It is noteworthy that this bench directed, the Applicant to file an affidavit in the light of specific direction which was obviously expected to be brief and to the point. However, the affidavit, which has been filed in a volume of about 60 pages contains the details of number of facts including the e-



mails by or on behalf of the Applicant Bank exchanged with the Resolution Professional beginning from November 2025 and many other details and submissions. Significantly, the narration in the affidavit include a number of insinuations directed against the Resolution Professional. Hence, in our view, the objection raised coupled with request on behalf of the Resolution Professional seeking time to file a counter affidavit to rebut the same is not uncalled for.

5. The affidavit contains many facts which are beyond the scope of the direction given by this bench. We have no hesitation in observing that there is clearly an attempt to import facts and circumstances in the matter, which were probably not in the original pleadings filed by the Applicant. It is not only the duty of the litigant concerned but also of the Court that sanctity of the orders of the Court is maintained. We are of the view that the attitude of the Court should not be permissive enough so as to allow the type of liberty applicant is seeking which we have noted in this case. We are constrained to observe that filing of this kind of affidavit in the name of compliance of the Court's order prima facie does not appear to be bonafide. To prevent misuse of authority of law and to maintain its sanctity it is hereby directed that the affidavit dated 31.03.2026, shall not be treated by any of the parties as part of the record.
6. In the interest of justice, we grant another opportunity to the Applicant to file a proper affidavit in terms of the order dated 20.02.2026. The affidavit shall be filed within two weeks. We further make it clear that in case the Applicant persists in this type of conduct, we shall impose a heavy cost and pass suitable orders.
7. At this juncture we record an event which happened before us as below. The moment we pronounced the gist of our order in open court Mr. Sanjeev Sen, Sr. Advocate, who had earlier joined through VC to assist his junior appeared physically before us and began to argue in the matter. We pointed out that matter has already been heard and decision pronounced. He made a query from us- whether this affidavit is not enough compliance of Courts order? We answered in negative and clarified that he will find the



reasons in our order which shall be uploaded in due course of time. We observe that the tone and tenor of the counsel was not dignified and acceptable. As far as the reasons for not treating the affidavit filed as purported compliance of our order we have already put them into writing.

8. We further note that these applications and affidavit have been filed on behalf of a public sector bank. We direct that a senior officer well versed with the matter shall appear physically before this bench to clarify the kind of conduct we have noted in this order. List the matter on **20.05.2026 at 2:00 p.m.**

List all other IAs on **20.05.2026 at 2:00 p.m.**

**Sd/-**  
**(REENA SINHA PURI)**  
**MEMBER (T)**

**Sd/-**  
**(JYOTSNA SHARMA)**  
**MEMBER (J)**