



**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**PRINCIPAL BENCH (SINGLE)**

**ITEM No. 03**  
**TA (IBC)-28(PB)/2026**

**IN THE MATTER OF:**

Sanjeev Mahajan

.... Applicant

Vs

Nimitaya Hotel Resorts Ltd.

.... Respondent

**Order under Rule 16(d) of the NCLT Rules, 2016.**

**Order Delivered on 05.06.2026**

**CORAM:**

**JUSTICE ANUPINDER SINGH GREWAL**

**HON'BLE PRESIDENT**

**HYBRID HEARING (PHYSICAL & VC)**

**PRESENT:**

For the Applicant : Mr. Abhinav Mukherjee, Sr. adv., Mr. Nakul Mohta,  
Mr. Manoranjan Nayank, Mr. Hitesh Nagar, Mr.  
Zain A. Khan, Ms. Saijal Arora, Mr. Sant Garg, Mr.  
Kumar Anurag Singh, Ms. Archita Nigam, Advs.

For the RP : Mr. Abhishek Anand, Mr. Karan Kohli, Mr. Palak  
Kalra, Ms. Ridhima Mehrotra, Advs. for RP

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

**ORDER**

1. The instant Transfer Application is filed by the Ex-Promoter of Nimitaya Hotel and Resorts Ltd. (Corporate Debtor) seeking transfer of CP(IB) No. 1913/2019 titled "*Indian Bank (Erstwhile Allahabad bank) vs. Nimitaya Hotel & Resorts Limited*" along with all connected interlocutory applications presently pending before the NCLT, New Delhi Special Bench, to any other appropriate Bench.
2. Ld. Sr. Counsel Mr. Abhinav Mukherjee for the Applicant submits that although the matter had been assigned to the Special Bench but no effective hearing has taken place and



the matter has been unnecessarily delayed. He further submits that in the facts and circumstances of the case, since the matter is not being heard it ought to be transferred to a Regular Bench.

- 3.** Ld. Counsel Mr. Abhishek Anand has put in appearance on behalf of the Respondent nos. 1 and 2 and submits that a similar Transfer Application no. TA(IBC)29(PB)/2023 seeking for transfer of the petition had previously been filed by the applicant, which was dismissed as not being pressed vide order dated 20.10.2023. The same has not been disclosed in the instant application.
- 4.** He further submits that the applicant has also preferred a writ petition before the High Court of Delhi wherein one of the prayers seeks transfer of the case from Special Bench to any other Bench which has also not been disclosed in the instant Transfer Application. It is stated that notice has been issued in this application vide order dated 30.04.2026, however no interim order has been passed.
- 5.** Heard.
- 6.** The CP(IB) No. 1913/2019 was earlier being heard by the Court-V, NCLT, New Delhi. However, both the Members constituting the said Bench recused themselves from hearing the matter on 09.12.2025. Thereafter, pursuant to the aforesaid recusal, the then President, NCLT constituted a Special Bench vide administrative order dated 06.01.2026 for hearing the matter.



7. A perusal of the record indicates that the matter has since been heard by the Special Bench and the orders have passed therein, including orders dated 15.04.2026 and 20.05.2026.
8. It is manifest from the perusal of the pleadings in the instant Transfer Application that the applicant has not disclosed the fact that an application was previously filed for transfer and was subsequently dismissed as not pressed. The order dated 20.10.2023 is reproduced hereunder:

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**PRINCIPAL BENCH**

**ITEM No. 103**  
**TA (IBC)29(PB)/2023**

**IN THE MATTER OF:**

Sanjeev Mahajan	...	Applicant/Petitioner
Vs		
Navneet Gupta RP & Anr.	...	Respondent

**Order under Rule 16(d) of the NCLT Rules, 2016.**

**Order delivered on 20.10.2023**

**CORAM:**

**JUSTICE RAMALINGAM SUDHAKAR**  
**HON'BLE PRESIDENT**

**(HEARING THROUGH PHYSICAL MODE & VC)**

**PRESENT:**

For the Applicant : Appearance not marked  
For the Respondent : Mr. Rajesh Kumar Gautam, Mr. Anant Gautam, Ms. Anani Achumi, Ms. Shivani Sagar, Advs. for the R-2

**ORDER**

1. Ld. Counsel appeared on behalf of the Applicant and made an endorsement that he is not pressing this transfer application.
2. Ld. Counsel Mr. Rajesh Kumar Gautam appeared on behalf of the Respondent.
3. **Accordingly, the TA (IBC)29(PB)/2023 stands dismissed as not being pressed.**

-sd-

**(RAMALINGAM SUDHAKAR)**  
**PRESIDENT**



Although reference has been made to the writ petition filed before the High Court of Delhi but there was no disclosure about the fact that a prayer for transfer of the case from special Bench to any other Bench was made therein, as has been made in the instant transfer application. The prayer made in the writ petition is reproduced hereunder:

*“c. Issue appropriate directions to the Ld. National Company Law Tribunal to transfer the present matter from the Special Bench to the Regular Bench, in the interest of justice and for proper adjudication of the case, or alternatively direct the bench to conduct day to day hearing;”*

- 9.** It was enjoined upon the applicant to disclose all the material facts including those which go against him. This Court cannot approve of such conduct of the applicant to withhold material information from the Court.
- 10.** A transfer application cannot be allowed at the mere asking of the party. A matter ought to be transferred from one court to another only in compelling circumstances, including as where transfer is necessary for consolidation, to avoid conflicts or inconsistent orders, or where there exists a reasonable apprehension of bias.
- 11.** At this stage Ld. Counsel for the applicant submits that although the factum of the previous Transfer Application filed before this Adjudicating Authority, and the prayer being made in the writ petition pending before the High Court has not been specifically disclosed in the application, the non-disclosure of the aforesaid facts was a bona fide mistake. Today, by way of an affidavit the applicant has placed on



record the copy of writ petition filed before the High Court of Delhi, which is not yet available on record.

- 12.** Be that as it may. The applicant ought to have disclosed the aforesaid facts in the present application itself. It is significant to note that the present application runs into 73 pages, and the accompanying documents comprise of 833 pages in total (5 volumes.)
- 13.** Ld. Counsel Mr. Sumesh Dhawan for the SRA submits that he is a necessary party but intentionally, has not been impleaded by the applicant with the intent to delay the proceedings.
- 14.** In view of the aforesaid facts and circumstances, I do not find any ground whatsoever to transfer the case from the Special Bench where it is currently pending adjudication.
- 15.** In view of the aforesaid material concealment, **TA(IBC)-28(PB)/2026 is dismissed** with cost of Rs. 50,000/- (Rupees Fifty Thousand only) to be paid to the Prime Minister National Relief Fund by the applicant. The applicant is also directed to file a proof of the same.

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**(ANUPINDER SINGH GREWAL)**  
**PRESIDENT**

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