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

+ W.P.(C) 5190/2020

ICICI BANK LTD.

..... Petitioner

Through Mr.Ramji Srinivasan, Sr. Adv. with
Mr.A.Dasgupta, Mr.Ishaan Duggal,
Mr.Rishabh Kapoor, Advs.

versus

UNION OF INDIA THR. MINISTRY OF CORPORATE AFFAIRS
& ORS.

..... Respondents

Through Mr.Ajay Digpaul, CGSC, UOI
with Mr.Amit Gupta, GP and
Mr.Kamal R.Digpaul, Adv.
Mr.Gaurav Mitra and Mr. Kanishk
khetan, Mr.P.Nagesh, Mr.Shivam
Wadhwa, Mr.Harshal Kumar, Advs.
for R-2

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

% **11.08.2020**

This hearing has been held by video conferencing.

CM 18714/2020 (Exemption from filing notarized affidavit and affixing of court fees)

1. This application has been filed seeking exemption from filing duly notarised affidavits and affixing requisite court fee. Binding the deponent of the affidavit to the contents of the application, the exemption is granted.
2. Court fee shall be deposited online with the concerned authority within one week and physical stamp be filed within 72 hours from the date of resumption of regular functioning of the Court, as

mandated in terms of Office Order dated April 04, 2020 issued by this Court.

3. Application is disposed of.

CM 18713/2020(exemption)

Allowed, subject to all just exceptions.

WP(C) 5190/2020 & CM 18712/2020

1. This petition has been filed by the petitioner primarily because of the vacancy of the President of the National Company Law Tribunal (NCLT), due to which, it is alleged that the Principal Bench of the NCLT could not hear the application filed by the petitioner before it.

2. The learned counsel for the respondent no.1 has produced before this Court an order dated 11.08.2020 extending the appointment of the Acting President of the NCLT by a period of one month with effect from 05.08.2020.

3. The learned senior counsel for the petitioner submits that while the petitioner would now approach the NCLT in the application filed by it, as the meeting of the Committee of Creditors (COC) has been called for tomorrow, that is 12.08.2020, the same be ordered to be postponed till such application is considered by the NCLT.

4. On the other hand, the learned counsel for the respondent no.2 submits that any decision taken by the COC in tomorrow's meeting would then have to be put for a vote and thereafter for an approval before the NCLT in terms of Section 31 of the Insolvency and

Bankruptcy Code, 2016. He submits that therefore, no prejudice is being caused to the petitioner by the meeting tomorrow.

5. I have considered the submissions made by the learned counsels for the parties.

6. The present petition is disposed of with the direction that any decision taken in the meeting called tomorrow or pursuant thereto shall be subject to the outcome of the application filed by the petitioner before the NCLT. The petitioner may participate in such meeting(s) without prejudice to its rights and contentions in such application.

7. As the learned senior counsel for the petitioner has expressed a grave urgency in the hearing of the application before the NCLT, without commenting on the same, the learned NCLT is requested to consider the request for early hearing of this application filed by the petitioner.

NAVIN CHAWLA, J

AUGUST 11, 2020
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