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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 8408/2020.

FLIGHT LIEUTENANT RUPA R GAUR

..... Petitioner

Through: Mr. Anupam Lal Das, Sr. Advocate
with Mr. Anuj Tiwari, Advocate (M-
9137603370)

versus

THE REGISTRAR NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI & ORS.

..... Respondents

Through: Mr. Rajesh Gogna, CGSC with Mr.
Karan Chibber, Advocates for R-1&2
(M-9654003808)
Mr. Siddharth Handa, Advocate for
R-3 (M-8890887223)

AND

W.P.(C) 8582/2020

✓
MR HARI SINGH

..... Petitioner

Through: Mr. Bharat Gupta, Mr. Varun Tyagi,
Mr. Yugal Choudhary, Mr. Vishesh
Chauhan, Ms. Gunjan Arora & Mr.
Vidur Gupta, Advocates.

versus

1. UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Nirvikar Verma, Advocate for R-
1 & 2 (M-8799786887)
Mr. Bhrahma Nand Pramod,
Advocate for R-2.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **12.02.2021**

1. This hearing has been done through hybrid mode (physical and virtual hearing).
2. Both these petitions were being heard by this Court. The issues raised

related to the notification of the Ministry of Corporate Affairs' dated 24th March, 2020 and the NCLT's communication dated 29th September, 2020 in W.P.(C) 8408/2020 and 5th August, 2020 in W.P.(C) 8582/2020, by which the Petitioners' petitions were not admitted on the ground that the claim amount is less than Rs.1 crore.

3. The short question that was raised was in as to the date from when Rs.1 crores is to become applicable as the monetary limit of the minimum default amount, for invoking the jurisdiction of the NCLT in terms of the notification dated 24th March, 2020. This Court has been informed by the counsels appearing before Court today that since the last order, the petitions of both Petitioners were listed before the NCLT on 1st February, 2021 and 2nd February, 2021 and orders have been reserved by the NCLT in both matters.

4. One of the counsels has a grievance that though he was not present before the NCLT, his presence has been marked and he has been shown to have made submissions in the matter.

5. Recently, a judgment has been delivered by the Supreme Court in ***Ramesh Kymal v. M/s Siemens Gamesa Renewable Power Pvt. Ltd. [Civil Appeal No. 4050/2020, decided on 9th February, 2021]*** which may also have relevance when the NCLT is to determine the claim amount and whether the petitions are to be admitted or not.

6. All Counsels unanimously submit that they would like to make some submissions before the NCLT before orders are pronounced.

7. Accordingly, Id. Counsels for the parties are permitted to appear before the NCLT on 24th February, 2021 at 2:30pm and make their

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respective submissions in the matter. After hearing the parties, the NCLT shall pass orders on the question of admission of the petitions.

8. Needless to add, the questions of law raised in these petitions are not being decided by this Court and are left open for determination. All pleas of law and facts are left open to be canvassed before the NCLT. Depending on the NCLT's orders, the remedies of all parties are left open.

9. Mr. Gogna Id. CGSC assures that he would immediately convey the orders passed by this Court today itself to the Registrar, NCLT. Both petitions are disposed of in the above terms. All pending applications are also disposed of.

Prathiba..
PRATHIBA M. SINGH, J.

FEBRUARY 12, 2021

Rahul/C