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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4255/2026, CM APPL. 20674/2026 & CM APPL. 20675/2026**
PAWAN KUMARPetitioner

Through: Mr. Akshay Srivastava and Mr.
Shreshth Nanda, Advs.

versus

**MR NAVNEET GUPTA (RESOLUTION PROFESSIONAL FOR
PELICAN GRAND MOTELS PVT. LTD.) AND ORS.**

.....Respondents

Through: Mr. Dhruv Dewan, Ms. Sugandha
Batra, Mr. Vansh Bhatnagar and Ms.
Sanjukta Roy, Advs. for R-1.
Mr. Rakesh Kumar, Ms. Preeti
Kashyap, Mr. Ankit and Mr. Sahil
Chawla, Advs. for R-4.
Ms. Vidhi Gupta, SPC for UOI.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

% **01.04.2026**

1. Counsel for petitioner has raised an objection to the claim filed by Resolution Professional ('**RP**') of the Company-*Pelican Grand Motels Pvt. Ltd.* before National Company Law Tribunal ('**NCLT**'), in respect of subject property/hotel situated at *Vivan Resorts, Karnal, Haryana*, which is being operated by the partnership firm-*M/s Pelican Grand Motels*.
2. Counsel for petitioner, contends that the rights in respect of the subject property have already been adjudicated by an arbitral award dated 31st October 2019, where it was concluded that the partnership firm-*M/s Pelican Grand Motels* is the sole and absolute lease holder of the subject property/hotel and the Company-*Pelican Grand Motels Pvt. Ltd.* does not have any rights or title of ownership over the subject property.



3. The said arbitral award was challenged before this Court in ***O.M.P.(COMM.) 478/2020*** wherein a petition filed under Section 34 of Arbitration & Conciliation Act, 1996 ('***A&C Act***') was dismissed by the Court *vide* order dated 02nd August 2021.
4. Thereafter, ex-director-*Jitender Kumar Mittal* sought to approach the Supreme Court in ***Special Leave Petition (Civil) Diary No. 48199/2023***. Without going into the merits of the matter, the Supreme Court gave liberty to the ex-director- *Jitender Kumar Mittal* to approach the Division Bench of this Court, if he was so aggrieved, under Section 37 of A&C Act.
5. Two petitions were filed in that regard, one, by the Company through its RP before the Division Bench of this Court in ***FAO(OS)(COMM.) 85/2025***, where notice had been issued on 03rd September 2025 and another, by the ex-director- *Jitender Kumar Mittal* being ***FAO(OS)(COMM.) 58/2025***.
6. On this basis, counsel for petitioner has submitted that the notice which has been issued by the NCLT is infirm, considering that the issue has been decided through the arbitral award, which stands confirmed and has not been set aside.
7. However, considering that the NCLT has only issued notice in the matter, these pleas will be available to the petitioner to place before the NCLT, objecting to the issuance of notice.
8. At this stage counsel for petitioner seeks to withdraw this petition, with liberty to raise their issues before the NCLT.
9. Opposing parties seek liberty to oppose the pleas, which are taken by petitioner before the NCLT. Liberty, as prayed, is granted.
10. Accordingly, the petition is dismissed as withdrawn.
11. *Ms. Vidhi Gupta*, counsel appears for Union of India, however, since



the petition is being withdrawn, no directions are required.

12. Pending applications, if any, are rendered infructuous.

13. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 1, 2026/MK/sp