



NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH
COURT III

102. I.A. 962/2020

In

C.P.(IB)-4135(MB)/2018

CORAM: MS. LAKSHMI GURUNG, MEMBER (J)
SH. CHARANJEET SINGH GULATI, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL
COMPANY LAW TRIBUNAL ON **13.01.2025**

NAME OF THE PARTIES: USV Pvt. Ltd

V/s.

Lok Housing & Construction Ltd.

Appearance

For RP: Hemant Mehta (RP), Adv. Swati Dalmia ; Adv. Shubham Raj
Adv. Neha Sinha

For Applicant:

For Respondent: Adv. Amrut Joshi a/w Adv. Narpal Singh i/b Indialaw
LLP for Respondent No. 1

SECTION 7 OF THE IBC, 2016

ORDER

Hearing Through: Physical Mode

I.A. 962/2020

The RP submitted that pursuant to order dated **06.01.2025** he visited the premises along with Mr Dashan Gandhi. The RP in his report has inter-alia submitted the following :

1. *“As per the directions of this Hon’ble Tribunal in the above matter, I along with my team were personally present at the*



warehouse bearing unit no. 003-004, Inizio Building, Chakala, Mumbai on 10.01.2025 (Friday) at 11.30 A.M. for hand over of the properties including information and/or documents belonging to the Corporate Debtor contained in 200 boxes lying thereat.

- 2. Mr Dashan Lalitkumar Gandhi was also present along with his Advocate, and the representatives of Rajendra Builders, MR. Rameshchand B. Bohra and Mr. Narpatraj Mehta along with their Advocate were physically present.*
- 3. At the inception, it was brought to my notice, both by Mr. Narpatraj and Mr. Gandhi that the unit number of the warehouse situated at Inizio Building, Chakala, Mumbai has been wrongly described, infact the unit situated at the upper basement, i.e., Unit B/1, at Inizio Building, Chakala, Mumbai is the premises wherein the documents relating to the Corporate Debtor are kept.*
- 4. Upon reaching the upper basement whereat the concerned warehouse is situated, the same was found to be locked. Upon requesting Mr. Gandhi to unlock the premises, it was allegedly informed by him that he does not have the keys. This statement had been controverted by the representatives of Rajendra Builders.*
- 5. The representative of Rajendra Builders informed that Mr. Gandhi has the key to the said warehouse, and shared images of earlier visits made by Mr Darshan Gandhi to the said warehouse.*



6. *I once again requested Mr. Gandhi to unlock the premises and provide access to the information and documents of the corporate debtor contained in 200 boxes, as directed by the Hon'ble Tribunal, to which he disagreed and walked away. In fact, he left the premises without informing anybody.*
7. *I along with my team, and the representative of Rajendra Builders, waited at the premises for a substantial time. Thereafter, Mr. Gandhi's advocate came to inform that he has already left the premises."*
8. However, due to unavailability of the keys the warehouse could not be opened and the parties returned without complying with the order dated **06.01.2025**.

The R.P in his report has also enclosed court order in Suit no 57/2023 which has been filed by M/s Rajendra Builders, landlord of the said premises against M/s Lok Holding and Construction Ltd, tenant of the said premises wherein at para-4 & 5 following order has been passed:

"The defendant is also directed to continue to pay the monthly compensation of Rs. 50,000/- per month from January, 2024 till the disposal of the suit on or before 10th day of each succeeding English Calendar month.

The defendant, their agents, servants, family members, person or persons claiming through or under them are hereby restrained by temporary order of injunction from creating any third party rights or interest in the suit premises i.e. Unit No. B/1, situated at Upper Basement admeasuring approximately 800 sq.ft carpet



area on the upper basement floor in the building known as “ INIZIO” situated at plot bearing CTS Nos. 479, 479/1 to 17 (New CTS No. 479A), Cardinal Gracious Road, Chakala, Andheri (East), Mumbai- 400-099 situated in Municipal K-East Ward of MCGM (more specifically mentioned in para no. 2 of the pliant) or part with possession till hearing and disposal of the suit. ”

the order clearly mentions that the possession of the said property in question is with tenant M/s Lok Holding and Construction Ltd. It is the case of the counsel for Mr. Darshan Gandhi that in their written statement they have denied that the possession of the said property is with defendant. Be that as it may, without going onto controversy that who has the possession, it is important to take control and custody of the important and relevant documents belonging to the Corporate Debtor due to which the CIRP process is stalled.

Therefore, the Tribunal is compelled to pass following order:

- 1) The RP shall take police assistance and break open the lock/locks of the said Premises.
- 2) Make an inventory of the documents lying in the 200 boxes in the presence of Mr. Darshan Gandhi and/or his representative.
- 3) Take the possession of all those documents, title deeds and other relevant documents, belonging to the Corporate Debtor.
- 4) After conducting this exercise, the premises will be locked with new lock/locks and the keys to be handed over to Mr. Darshan Gandhi, Director of M/s Lok Holding and Construction Ltd who is also the Director of the Corporate Debtor.



- 5) Mr. Darshan Gandhi is at liberty to place on record any order in favour of M/s Lok Holding and Construction Ltd rebutting the fact that M/s Lok Holding and Construction Ltd is not in possession of the said premises.
- 6) The exercise will commence on Saturday **18.01.2025** at **10:00 A.M.**
- 7) Concerned Police authorities are directed to render assistance and protection to the RP and his team.
- 8) Mr. Darshan Gandhi and/or his representatives are directed to remain present at the premises during the entire exercise till completion.

This order is limited to the compliance of provision of section 19(2) of IBC and won't have any effect, what so ever, in any other proceeding under any law in force.

List for compliance on **27.01.2025**.

Sd/
CHARANJEET SINGH GULATI
Member (Technical)
---Shripad---

Sd/
LAKSHMI GURUNG
Member (Judicial)