

**NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH**

**I.A. No. 1712 of 2020
in M.A. No. 3473 of 2019**

Filed by

K.J. Infrastructure Pvt. Ltd.

7, Prospect House, 29, Raghunath Dadaji
Street, Fort, Mumbai-400 001

...Applicant

versus

Suraksha Asset Reconstruction Limited

20th Floor, 'A' Wing, Naman Midtown,
Senapati Bapat Marg, Elphinstone Road,
Mumbai – 400 013

...Respondent No. 01

**Abhay Narayan Manudhane
(Resolution Professional of the Housing
Development and Infrastructure Limited)**

Model Town, Four Bungalows, Andheri (West),
Mumbai – 400 053

...Respondent No. 02

In the matter of

C.P. (IB) No. 27 OF 2019

Bank of India

Star House, C-5, G-Block, Bandra-Kurla
Complex, Bandra (East), Mumbai-400051

...Financial Creditor

versus

**Housing Development and Infrastructure
Limited**

9-01, HDIL Towers, Anant Kanekar Marg,
Bandra (East), Mumbai-400051

...Corporate Debtor

Order Pronounced on: 24.03.2021

Coram:

Shri. Venkata Subba Rao Hari, Member (Judicial)

Shri. Shyam Babu Gautam (Member Technical)

Appearance:

For applicant: Mr. Amir Arsiwala a/w Mr. Kunal Kanungo

Per: Shri. Shyam Babu Gautam, Member

ORDER

1. This is an Interlocutory Application filed by The present Application has been filed by K.J. Infrastructure Pvt. Ltd. (hereinafter called as “the applicant”) under Section 60(5) of the Insolvency and Bankruptcy Code, 2016 (hereinafter called as the “Code”) and Rule 51 of the National Company Law Tribunal Rules, 2016 for the purpose of inter-alia intervening and/or seeking impleadment in the Interlocutory Application No. 3473 of 2019 preferred by the Respondent No. 1 i.e., Suraksha Asset Reconstruction Limited.

2. The applicant herein, vide this captioned application is praying the following reliefs:

“In view of what is stated hereinabove and in the facts and circumstances, the Applicant humbly prays before the Hon’ble Tribunal be pleased to:

- a) To allow the present Intervention/Impleadment Application;*
- b) Pending adjudication and final disposal of this Application, Suraksha and the Respondents in the Suraksha Application be directed to serve upon the Applicant copies of their respective pleadings;*
- c) In the event of Suraksha Application being allowed, the Hon’ble Tribunal be pleased to clarify and declare*

that the Admitted Dues of the Applicant will be payable by Suraksha/Mazda jointly or severally;

Such other order and reliefs as the Hon'ble Tribunal may deem fit in the nature and circumstances of the case."

ORDER

We have heard all the parties concerned and perused all the documents submitted by them. This application has been filed as an Intervention Application to the Application bearing M.A. No. 3743 of 2019. Prayers 'a' seeking for intervention and 'b' for supply of copies are deemed to have been allowed by this Tribunal. The applicant has pressed for prayer 'c' of this application which seeks for clarification and declaration that the admitted dues of the applicant herein will be payable by Suraksha/Mazda jointly or severely in case the said M.A. 3743 is allowed by this Tribunal. It is pertinent to note here that we have dismissed M.A. 3743 of 2019 and therefore, nothing survives in this prayer as it is a conditional prayer. Thus, eventually, nothing survives in this application. Therefore, I.A. 1712/2020 is disposed of as infructuous.

Sd/-

**SHYAM BABU GAUTAM
MEMBER (TECHNICAL)**

Sd/-

**H.V. SUBBA RAO
MEMBER (JUDICIAL)**