

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**SINGLE PRINCIPAL BENCH**

**TA (IBC) - 33(PB)/2026**

**IN THE MATTER OF:**

Brij Mohan Mahajan	.... Petitioner
Vs.	
Nimitaya Hotel And Resorts Ltd & ors.	...Respondent

**Order under Rule 16(d) NCLT, 2016**

**Order pronounced on 10.07.2026**

**CORAM:**

**JUSTICE ANUPINDER SINGH GREWAL**  
**HON'BLE PRESIDENT**

**HYBRID HEARING (PHYSICAL & VC)**

**PRESENT:**

For the Applicant	: Mr. Deepak Khosla, Mr. Manoranjan Nayak, Mr. Kumar Anurag Singh, Mr. Zain A. Khan, Adv.
For the RP	: Mr. Abhishek Anand, Mr. Karan Kohli, Ms. Ridhima Mehrotra, Adv. for RP.
For the Indian Bank	: Mr. Anant Gautam, Mr. Aman Gahlot, Ms. Isha Gaur, Ms. Himanshi Chugh, Advs.
For the SRA	: Mr. Sumesh Dhawan, Mr. Ajay Kumar, Mr. Pankaj Sethi, Ms. Stuti Vatsa, Mr. Sagar Thakkar, Ms. Kavya Tekriwal, Advs.

**ORDER**

1. The instant transfer application has been filed seeking transfer of CP (IB) No. 1913/2019 from Court - V, Special Bench, NCLT, New Delhi to another appropriate Bench.
2. Ld. Counsel for the Applicant submits that the Applicant is an ex-promoter of the Corporate Debtor. He further submits that the manner in which the proceedings are being conducted, and the orders are being passed, indicate perversity, which is a sufficient ground for transfer of the case from Court - V,

Special Bench, NCLT, New Delhi to any other appropriate Bench.

3. In the application, the following grounds have been set out by the applicant:-

- a) **Firstly**, what transpires during the course of hearing including oral submissions, oral observations of the Hon'ble Bench, and requests pressed by parties is, on the Petitioner's respectful submission, not being adequately recorded in the written orders that follow;
- b) **Secondly**, orders are, on most occasions, not dictated or pronounced in open Court, but are stated to be passed in chambers this is a fatal violation of Order XX CPC;
- c) **Thirdly**, where orders are so passed in chambers, they are uploaded only after considerable delay, depriving parties of timely knowledge of the directions made and the reasons therefore- not only affecting the right to appeal but also against the letter and spirit of the Judgment passed by the Hon'ble Supreme Court in ***Registrar General, High Court of Karnataka & Anr. Vs. Sri M. Narasimha Prasad*** (SLP(C) No. 25714/2017); A table reflecting the date of hearing and whether any daily proceedings was dictated in open Court at all or not are being lucidly explained with the help of a table as under:

<b>Date of Hearing</b>	<b>Date of order upload</b>	<b>Whether dictated in open Court</b>	<b>Delay in uploading</b>
20.05.2026	09.06.2026	Yes	20 days
15.04.2026	23.04.2026	No	8 days
20.03.2026	24.03.2026	No	4 days
17.02.2026	23.02.2026	No	6 days

d) ***Fourthly***, despite the conduct of the Resolution Professional itself being under a cloud including pending disciplinary proceedings before the Insolvency and Bankruptcy Board of India the Hon'ble Bench has directed the Resolution Professional, **and the Resolution Professional alone**, to furnish a synopsis explaining the affairs of the Corporate Debtor and the pending Interlocutory Applications, **while specifically directing, on the Petitioner's information and belief, that a copy of the said synopsis not be furnished either to the Petitioner (the Ex-Promoter) or to the**

**Committee of Creditors. Most interestingly, atleast 5 I.A(s) in which the Resolution Professional has been directed to give a synopsis to give 'a birds eye view' are against the RP himself.**

If at all bias were to be alleged by any party in a given case - but which the petitioner refrains from alleging- the law is that that question of bias, or of a reasonable apprehension thereof, does not fall to be examined from the point of view of the party alleging it, but from the standard of a reasonable, fair-minded person apprised of all the facts. Applying that standard, and without inviting any finding on the merits of any pending Interlocutory Application or on the conduct of any individual, the Petitioner respectfully submits that the cumulative effect of the four orders impugned herein, read with the four procedural infirmities set out above, is such that a reasonable litigant in the Petitioner's position would legitimately apprehend that continuation of these proceedings before the same Bench may not inspire the confidence that the administration of justice requires. It is for this limited and institutional reason and not as an accusation against any individual that the Petitioner is constrained to seek transfer of CP (IB) No. 1913/2019, along with all connected Interlocutory Applications, to another appropriate Bench of this Hon'ble Tribunal.

The Petitioner accordingly submits the present Transfer Application on, inter alia, the following grounds, each of which is more fully particularized in the body of the Petition:

(a) the repeated and cumulative perversity reflected in the four impugned orders, which in law founds a reasonable apprehension of bias even without proof of actual bias;

(b) Repeated refusal to record material submissions and events transpiring during hearings;

(c) the consistent failure to dictate or pronounce orders in open Court;

(d) considerable and unexplained delay in uploading orders passed in chambers; and

(e) the denial to the Petitioner and the Committee of Creditors of an opportunity, equivalent to that afforded to the Resolution Professional, to place their version on record, coupled with the withholding of the Resolution Professional's synopsis from them.

Hence the present Transfer Application.

4. He also submits that the circumstances under which the special bench had been constituted no longer exist and therefore, the matter be transferred to any of the regular benches.
5. Heard.
6. It is pertinent here to refer to some of the orders passed by the special bench in CP No.1913/2019 titled "*Indian Bank (Erstwhile Allahabad Bank) vs. Nimitaya Hotel & Resorts Limited*", the relevant portion of which is extracted as follows:-

## **Order dated 17.02.2026**

**(IB)-1913(ND)2019, New IA/459/2026, New IA/584/2026,  
IA/5980/2025, IA/1015/2025, IA/5724/2025, IA/5929/2025,  
IA/5932/2025, IA/5935/2025, IA/5725/2025, IA/5928/2025,  
IA/5930/2025, IA/5933/2025, IA/987/2023, IA/180/2025,  
IA/3130/2025, IA/2563/2023, IA/2585/2023, IA/3108/2023,  
IA/2647/2023, IA/1073/2025, IA/1114/2025, IA/1017/2025,  
IA/1021/2025, IA/5874/2024, IA/4244/2025, IA/1282/2023,  
IA/1358/2023, IA/2927/2024:-**

**1. (IB)-1913(ND)2019**, Indian Bank V/s. M/s. Nimitiya Hotel And Resorts Limited along with all the IAs has been assigned to this Special Bench constituted as per Section 419 (3) of the Companies Act, 2013 by order dated 06.01.2026. Today is the first date of hearing before this Special Bench.

**2.** We note that the main petition i.e. (IB)-1913(ND)2019 filed under Section 7 of the IBC, 2016 was admitted on 24.12.2021 and the Resolution Plan is pending for approval.

**3.** The **IA/987/2023** is filed by the Resolution Professional under Section 31 of the IBC, 2016 for approval of the Resolution Plan and it is apparent that the Plan approval IA is pending since last about more than 3 years' and the IAs listed before us are ranging from the year 2023 to 2026.

**4.** With respect to one of the IAs i.e. I.A. 5980/2025, a physical copy of the order passed by Delhi High Court on 09.02.2026 in (W.P.(C) 1826/2026, CM APPL. 8846/2026, CM APPL. 8847/2026, CM APPL. 8848/2026 & CM APPL.

8849/2026) has been placed before us by the Applicant seeking early hearing in that IA.

We went through the order passed by the Hon'ble Delhi High Court.

The relevant portion whereof is being re-produced as below:

- *“With respect to prayer (e) Mr. Abhinav Mukerji, learned senior counsel appearing for the petitioner and Mr. Sanji Sen, learned senior counsel appearing for respondent no.2, jointly submit that on account of certain circumstances, IA. 5980/2025 is not being considered by the National Company Law Tribunal [‘NCLT’]. They, therefore, emphasise that the NCLT be directed to take up the said I.A. on the date already fixed i.e. 17.02.2026.*
- *If that be so, let the parties to revise their request before the concerned NCLT for expeditious disposal of I.A. 5980/2025. If such a request is made, there is no reason as to why the same will not be considered appropriately.*
- *With these observations, the petition stands disposed of at this stage.”*

**5.** We take on record the request from the Applicant for taking up the matter in I.A. 5980/2025. However, before the above IA or any other matter including the IA as regard approval Plan (pending since before filing of I.A. 5980/2025) is taken up, it is necessary to have full picture of the matter before us.

**6.** Therefore, we direct the RP to file a brief synopsis giving history of the case and also relevant details as regards all the IAs in chronological order within 2 weeks’.

List the matter along with all the IAs on **20.03.2026**.

## **Order dated 15.04.2026**

7. At this juncture we record an event which happened before us as below. The moment we pronounced the gist of our order in open court Mr. Sanjeev Sen, Sr. Advocate, who had earlier joined through VC to assist his junior appeared physically before us and began to argue in the matter. We pointed out that matter has already been heard and decision pronounced. He made a query from us- whether this affidavit is not enough compliance of Courts order? We answered in negative and clarified that he will find the

reasons in our order which shall be uploaded in due course of time. We observe that the tone and tenor of the counsel was not dignified and acceptable. As far as the reasons for not treating the affidavit filed as purported compliance of our order we have already put them into writing.

8. We further note that these applications and affidavit have been filed on behalf of a public sector bank. We direct that a senior officer well versed with the matter shall appear physically before this bench to clarify the kind of conduct we have noted in this order. List the matter on **20.05.2026 at 2:00 p.m.**

List all other IAs on **20.05.2026 at 2:00 p.m.**

7. A bare reading of these orders indicate that the proceedings are being conducted properly. By no stretch of imagination can it be said that there is perversity therein.

8. The applicant is seeking transfer of CP No.1913/2019 from Court-V, Special Bench, NCLT, New Delhi to another appropriate Bench. A similar transfer application bearing no. TA (IBC)-28(PB)/2026 was earlier moved by Mr Sanjeev Mahajan, who is the son of the applicant herein and an ex-promoter in the same Company.

This Court, after due consideration, had declined the request for transfer on 05.06.2026.

9. In the aforementioned facts and circumstances, I do not find any ground to allow the transfer as prayed for. The application, being devoid of any merit, stands dismissed.

Accordingly, **TA (IBC) - 33(PB)/2026** stands **disposed of** on the above terms.

**-Sd/-**  
**(ANUPINDER SINGH GREWAL)**  
**PRESIDENT**

10.07.2026  
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