

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**AHMEDABAD**  
**COURT – 2**

ITEM No.206- Cont.Pet./8(AHM)2024 in IA/679(AHM)2022  
in  
CP(IB)/240(AHM)2021

**Proceedings under Section 9 IBC**

**IN THE MATTER OF:**

Hitesh Kumar Suresh Kumar Gajjar Proprietor of Rich Relies .....Applicant  
Export (Operation Creditor)  
V/s .....Respondent  
Map Refoils India Ltd

**Order delivered on: 15/05/2026**

**Coram:**

**Mrs. Chitra Hankare, Hon'ble Member(J)**  
**Dr. Velamur G Venkata Chalapathy, Hon'ble Member(T)**

**PRESENT:**

For the Applicant : Mr. Monaal Davawala, Adv.  
For the SCC : Ms. Hirva Dave, Adv. a.w. Mr. Jaimin Dave, Adv.  
For BOB : Mr. Govendra Singh  
For Central Bank of India : Mr. Jyoti Shekhawat.  
For the PG : None  
Liquidator for Map Refoil : Mr. Vikas Jain  
For the Respondent : Ms. Natasha Shah, Adv.  
For the Suspended Management : Mr. Mehul Kumar Arvindbhai Patel  
: Ms. Khushboo Mehul Patel  
For the SBI : Mr. G Negeshwara Rao

**ORDER**

**Cont.Pet./8(AHM)2024 in IA/679(AHM)2022**

Ld Counsel for the applicant submitted that he has filed the affidavit in compliance to order dated 11.05.2026. SCC members present. It is submitted that the Respondent/s of suspended management has not handed over the keys nor filed any response to the affidavit filed by the financial creditor of the mortgaged documents to SCC. He pressed for the bailable warrant on the other respondents who have not appeared. It appears neither the necessary documents are produced nor the physical possession as directed has been complied and the suspended management has deliberately and wilfully not complied with any of the orders passed by this tribunal.

AD/SJ

*Sd/-*

*Sd/-*

Party in person R 2 Ms. Khushbooben Patel appeared after calling her on line. She did not state valid reasons why she was not present physically today. The other person R-3 did not appear and R 2 submitted that he is taking physio therapy treatment now when the court hearing was taking place and cannot join.

In view of the non-appearance, we allow the submission of applicant to issue bailable warrant against the respondent 3 of Rs. 25,000/-.

The respondent No.1 who appeared in Person was asked whether he would hand over the physical possession of the property to the liquidator and SCC members immediately as the liquidator has been struggling to take possession of the property as directed by the SCC to proceed with the liquidation process. We also agreed to direct liquidator and SCC not to dispose of the property. SCC members have already proceeded against the respondents under SARFAESI Act and these properties of CD which are the land and building are neither in his possession and access is also denied by the respondents. He submitted that he seeks to file a repayment settlement to the SCC and his Ld Counsel did not agree to hand over the property.

Ld Counsel for applicant pointed out that the respondent has also not repaid in the Sec 95 application filed against all personal guarantors of suspended management which is admitted and a Sec 123 application has been filed which is on final hearing today. LD Counsel for applicant and SCC pressed for physical possession and also for bailable warrant be issued. Ld Counsel for respondent submitted that she has preferred an appeal before Hon'ble NCLAT but it is yet to be listed by registry. She is permitted to file written submissions if any before 4.00 PM today.

The cause of concern is the that the respondent/s are neither allowing access to the liquidator nor giving the physical possession which is rightfully the power and duty of the Liquidator in terms of Sec 35 of the IBC 2016 and till date the assets of the CD does not form part of the liquidation estate as specified under Sec 36 of IBC 2016. The order for liquidation was passed on 25.01.2024 which was not appealed but the suspended management has been deliberately and by contempt not complying with the orders of this Tribunal. The liquidator who is appointed under the provisions of IBC 2016 steps in the shoes of the CD for the purpose of conducting the liquidation process and even now a petition under Sec 19 of IBC 2017 filed in IA 679 of 2022 during CIRP is pending adjudication in which this contempt application is filed.

This tribunal orders under Rule 11 of the NCLT Rules 2016 that the respondent/s to hand over the physical possession of the CD of all properties mortgaged to the SCC members as per list furnished by affidavit including the factory premises of the CD and its associated entity Map Oil Limited and the SCC members are directed to post their guard along with 1 or 2 officials attached to the local police station. The Police official as directed in this application is directed to provide all assistance in enabling

AD/SJ

Sd/-

Sd/-

the liquidator take over possession, in case the respondent does not hand over, through appropriate procedure the liquidator Mr Vikas Jain will break open the locks if peaceful possession is not handed over by Mr Mehulbhai Arvindbhai Patel who appeared in person before this tribunal, in the presence of the police official attached to the concerned police station and all the SCC members, put his lock and key and security guard/s approved by SCC. We also direct the police officials that access to the suspended management being R 1- R 3 is denied for any entry during the implementation of this order as this property is forming part of the assets of the liquidation being assets mortgaged to the members of SCC. In case the terms of this order are not complied and there is further contempt by the respondent/s to this order or any other order of this tribunal in the matter of CP 240 of 2021 or any of the IA, the liquidator is directed to file through appropriate procedure an application before the local police station with copy to the authorities referred to in this order.

He is directed to file an affidavit before this tribunal within 1 week the developments in the matter. He is also permitted to proceed before any other court if any appeal is made against this order with the approval of SCC.

The bailable warrant issued against R 3 is issued with directions to appear before this tribunal on June 2, 2026. The registry is directed to issue bailable warrant to R 3.

Ld Counsel for the applicant is directed to file the jurisdiction name and designation of the concerned police official at the level of Inspector General of Police where the CD is situated along with the address and also the address of the Director General of Police to serve a copy of this order through the Registry of NCLT Ahmedabad.

List for further consideration on June 2, 2026.

Sd/-

**DR. V. G. VENKATA CHALAPATHY**  
**MEMBER (TECHNICAL)**

Sd/-

**CHITRA HANKARE**  
**MEMBER (JUDICIAL)**