

NATIONAL COMPANY LAW TRIBUNAL
INDORE BENCH
COURT NO. 1

ITEM No.2
IA/417(MP)2026
in

TP 171 of 2019 [CP(IB) 218 of 2018]

Proceedings under Section 60(5) r.w. Rule 11

IN THE MATTER OF:

Monitoring Committee of Rai Homes Universal Pvt Ltd

.....Applicant

V/s

Commercial Tax Department Madhya Pradesh

.....Respondent

Coram:

Hon'ble Shri Brajendra Mani Tripathi, Member (J)

Hon'ble Shri Man Mohan Gupta Member (T)

PRESENT:

For the Applicant : Mr. Ritesh Kumar Sharma, Adv (Physical)

For the Respondent : (Today, notice issued)

ORDER

Delivered on 13/07/2026

IA/417(MP)2026

1. The present Application has been filed by the Applicant under Section 60(5) of the IBC, 2016, r/w Rule 11 of the NCLT Rules, 2016 with the following prayers: -

- (i) *Direct the Respondent to forthwith refund the amount of Rs. 2,41,475/- (Rupees Two Lakhs Forty-One Thousand Four Hundred and Seventy-Five only) wrongfully recovered from the Corporate Debtor.*
- (ii) *Declare that the recovery of Rs. 2,41,475/ by the Respondent is illegal, void ab initio, and non-est in law.*
- (iii) *Direct the Respondent to pay interest at a rate of 12% per annum on the aforesaid amount from the date of recovery till the date of actual refund.*
- (iv) *Award the costs of this Application to the Applicant.*

2. We have heard the Ld. Counsel for the Applicant.
3. Let notice be issued to the Respondent as well as the jurisdictional Income Tax Department by the Registry, returnable on the next date. The Applicant is directed to collect the notice from the Registry within three days and serve upon the Respondent along with a copy of this order through Registered Ad post / Speed-post, Dasti mode, as well as on the registered email ID of the Respondent within seven days.
4. The Respondent is directed to file a reply, if any, within two weeks from the date of receipt of notice. The Rejoinder, if any, shall be filed within seven days thereafter. Proof of Service shall be filed by way of an affidavit before the next date of hearing.
5. List the matter for filing the reply as well the proof of service of affidavit on **10.08.2026.**

Sd/-

MAN MOHAN GUPTA
MEMBER (TECHNICAL)

Tomar

Sd/-

BRAJENDRA MANI TRIPATHI
MEMBER (JUDICIAL)