

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

RA-56/2026 in TA (IBC) - 28(PB)/2026

IN THE MATTER OF:

Sanjeev Mahajan

.... Petitioner

Vs.

Nimitaya Hotel Resorts Ltd

...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 SRA	:	Mr. Sumesh Dhawan, Mr. Ajay Kumar, Mr. Pankaj Sethi, Ms. Stuti Vatsa, Mr. Sagar Thakkar, Ms. Kavya Tekriwal, Advs.

ORDER

RA-56/2026

1. The instant application has been filed seeking restoration and setting aside of the order dated 05.06.2026 whereby the TA (IBC)-28(PB)/2026 was dismissed and a cost of Rs. 50,000/- was imposed on the applicant.

2. Ld. Counsel for the Applicant submits that the transfer application has been erroneously dismissed as there was no concealment of material facts. The Applicant was not required to disclose that his previous transfer application had been

dismissed as not being pressed, and it was not a dismissal on the merits. He also submits that in the Writ Petition which had been preferred before the Hon'ble Delhi High Court, although the prayer for transfer was made, it was not pressed. The Applicant had also stated so in his affidavit.

3. Ld. Counsel for the Applicant further submits that the factum of a bench previously recusing itself from hearing the matter has no bearing whatsoever on the conduct of the Applicant and therefore, that ought not to have been considered by this Court.
4. Ld. Counsel for the Applicant also submits that the cost ought not to have been imposed, and even if it had to be imposed, it should have gone to the other party and not to the Prime Minister's National Relief Fund. He also submits that as notice has not been issued, the Counsel for the non-applicants ought not to be heard, and if they had to make any averment, they should be put on notice and file an affidavit in that regard. He has also relied on the judgment of the Hon'ble Supreme Court in *DP Chadha v. Triyugi Narain Mishra and Others (2001) 2 SCC 221* to substantiate his assertions.
5. In the application, the following reliefs have been sought:

- a) Restore the said Transfer Application to its original number for hearing and/or set aside the order dated 05.06.2026 passed by this Hon'ble Tribunal in TA (IBC)-28(PB)/2026 and restore the said Transfer Application to its original number for hearing and adjudication on merits, in accordance with law;
- b) Consequently set aside the order of exaction of money described as cost of Rs. 50,000/- imposed upon the Applicant vide paragraph 15 of the impugned order;
- c) In the alternative and without prejudice, permit the Applicant to tender the pay order of Rs. 50,000/- as directed in the impugned order, in the event this Hon'ble Court does not deem it appropriate to recall the said order; and
- d) Impose Costs on the Resolution Professional as well as the Successful Resolution Applicant for the malicious concealment and/or;
- e) Pass such other and further order(s) as this Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the present case.

6. Heard.

7. The NCLT Rules, 2016, do not vest this tribunal with the power of reviewing its decision. The Supreme Court in the case of Greater Noida Industrial Development Authority v. Prabhjit Singh Soni & Anr. (2024 INSC 102) has held that the NCLT

has inherent power of recall. However, it has also been held by the Supreme Court that the power of recall is to be exercised sparingly in exceptional circumstances. It is not to be exercised as a review even though there may be an error apparent on the face of the record.

8. The Counsel for the Applicant has contended that the earlier Transfer Application was dismissed by this court on the ground that the proceedings instituted before the High Court of Delhi and NCLT seeking transfer of CP No. 1913/2019 were not disclosed. He had filed an affidavit in the earlier Transfer Application bearing no. TA (IBC)-28(PB)/2026 giving complete details of such proceedings which were so instituted before the High Court of Delhi and the NCLT. The Court ought to have considered the affidavit filed by the applicant.
9. It is manifest that the affidavit which the applicant is referring to was not on record when the order dated 05.06.2026 was passed. It has now been annexed in the instant application as Annexure A-5. It is stated in the affidavit that the applicant has not pressed the prayer for transfer in the High Court of Delhi. However, no order of the High Court of Delhi has been placed on record wherein such a statement has been made by the applicant.
10. Even otherwise, upon perusing the said affidavit, it is evident that the applicant has merely disclosed about the proceedings instituted by him before the High Court of Delhi bearing no.

W.P.(C) No. 5932 of 2026 seeking transfer of proceedings from Special Bench to a Regular Bench along with other reliefs. It is clear from the said affidavit that the applicant did not disclose about the earlier transfer application filed by him bearing no TA (IBC)-29(PB)/2023 seeking transfer of CP (IB) No. 1913/2019 from Court - V, Special Bench, NCLT, New Delhi. An applicant seeking relief from the Court is under an obligation to state the complete facts.

11. Accordingly, this court is of the considered view that the applicant has failed to establish any ground for recall of the order dated 05.06.2026 and restoration of TA (IBC)-28(PB)/2026.
12. The applicant in the instant application has also prayed to set aside the cost of Rs. 50,000/- imposed upon the applicant vide order dated 05.06.2026. In this regard, the court is of the considered view that the applicant has failed to make any good ground for the same.
13. In view of the aforementioned facts and circumstances, this application is dismissed.

Accordingly, **RA-56/2026** stands **disposed of** on the above terms.

-Sd/-
(ANUPINDER SINGH GREWAL)
PRESIDENT

10.07.2026
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