

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**PRINCIPAL BENCH**

**ITEM NO. 301**  
**360/2016**

**IN THE MATTER OF:**

Maharashtra Tourism Development Corporation .... Applicant/petitioner  
v.  
Luxury Train Pvt. Ltd. .... Respondent

**SECTION : UNDER SECTION 439(1)(b) Liq.**

**Order delivered on 24.07.2019**

**Coram:**

**CHIEF JUSTICE (RTD.) M. M. KUMAR**  
**HON'BLE PRESIDENT**

**SH. S. K. MOHAPATRA**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the applicant

Mr. Sumesh Dhawan, Mr. Rajeev Kumar, Adv. for  
Liq.

For SFIO

Mr. Ashim Sood, CGSC, Ms. Payal Chandra, Adv.  
with Mr. Hari Kishan, Prosecutor, SFIO

**ORDER**

**CA-1251(PB)/2019:-**

On the ground that the Adjudicating Authority-NCLT does not have the jurisdiction to issue directions directly to the SFIO under Section 212/213 of the Companies Act, 2013, the present application has been filed for recalling the order dated 06.05.2019, the order is detailed self-speaking one and it has extracted the orders dated 12.03.2019 and 04.02.2019. It has been noticed that the documents provided by RP/officials of the Central Government of India revealed entries of abnormal nature namely Rs. 10.80 crores transferred to M/s. Luxury Holidays, Rs. 2.64 crores to M/s. Swiss Hospitality Gmbh, Rs. 2.46 Crores to M/s. Swiss Holidays Pvt. Ltd. and others. When there is siphoning and diversion of funds running into crores, directions issued to the SFIO to investigate should have been followed rather than filing of application for recalling the order, on account of



any technical issue of obtaining permission from the Central Government. The same could be done by the SFIO itself as the siphoning of funds is in respect of public money which is noticed in the order dated 04.02.2019 and extracted in the aforesaid order.

Needless to say that when huge public money and public interest are involved, Tribunal should in the interest of justice iron out procedural/Technical objections to advance substantial justice.

In view of the aforesaid, we do not find any merit in the application and the same is dismissed.

**CA-1391(PB)/2019:-**

Report along with the documents filed by liquidator is taken on record subject to all just exceptions. The office is directed to maintain the record and put up the same before the Bench at the time of final disposal.

The application stands disposed of.

Sd/-

(M. M. KUMAR)  
PRESIDENT

Sd/-

(S. K. MOHAPATRA)  
MEMBER (TECHNICAL)