

IN THE NATIONAL COMPANY LAW TRIBUNAL: CHANDIGARH BENCH

COURT No.1

(through hybrid mode)

ITEM No. 6

IA(IBC)/32(CH)2024, IA No.1142/2023, IA(IBC)/146(CH)2024,
IA(IBC)/1352(CH)2024, IA(IBC)/1530(CH)2024
in
CP(IB) No.78/Chd/J&K/2020
(Admitted)

IN THE MATTER OF:-

K Nagavalli

...Petitioner

Versus

Unico Leather Product Pvt. Ltd.

...Respondent

Under Section: 9, 30, 25(j), 66(1), 60(5), IBC 2016

Order delivered on 16.07.2024

CORAM:

**SH. UMESH KUMAR SHUKLA
MEMBER (TECHNICAL)**

**SH. HARNAM SINGH THAKUR
MEMBER (JUDICIAL)**

PRESENT:

For the RP/applicant in all the IAs : Ms. Swati Saluja, Advocate

For the applicant in IA No.146/2024 : Mr. Aalok Jagga, Advocate
Ms. Swati Saluja, Advocate

For the respondent No.5 in IA No.1142/2023 : Ms. Niyarah Rafi, Advocate

For respondent Nos.1,2 and 7 in IA No.1142/2023 : Mr. Mukesh Tomar, proxy counsel for Mr. S. S. Brar, Advocate

For respondent Nos.3,5 and 6 in IA no.1142/2023 : Already *ex parte* vide order dated 15.01.2024

For respondent No.9 in IA No.1142/2023 : None

ORDER

IA No.1142/2023

Compliance of order dated 04.04.2024 has not been made by the Registry where IA No.374/2024 was disposed of and the Registry was directed to place the amended memo of parties from IA No.374/2024 in IA No.1142/2023. This is a serious

lapse and therefore, the Registrar is directed to take note of the same and file a report as to why compliance of this order has not yet been made by the defaulting officer. Copy of this order be conveyed to the Registrar during the course of the day.

Since there is no representation on behalf of respondent No.9 despite the fact that Mr. Sandeep Singh Josan, Advocate had appeared for respondent No.9 on 15.01.2024. Moreover, affidavit of service has also been filed vide Diary No.1420/10 dated 01.05.2024, therefore, respondent No.9 is proceeded as *ex parte*.

Ld. proxy counsel for respondent No.7 is directed to file reply within one week with a copy in advance to the counsel opposite. It will be the last opportunity failing which the right to file reply will be forfeited. List on 06.08.2024.

IA(IBC)/1530(CH)2024

The present application has been filed by the applicant/RP under Section 60(5) of the I&B Code, 2016 for rectification/modification of Para No.13 of IA No.146/2024 where inadvertently the charge of EPFO over the property is mentioned as 3.14 acres whereas the same should be 9.14 acres.

Heard. Issue notice of this application to the respondents/non-applicants. Mr. Ashish Chaudhary appears on behalf of respondent/EPFO and is ready to accept the notice. Reply if any, be filed within two weeks with a copy in advance to the counsel opposite. It will be the last opportunity.

Let IA No.1530/2024 be taken up along with IA No.146/2024 on 06.08.2024.

IA No.146/2024

Rejoinder has been filed by ld. counsel for the applicant/RP vide Diary No.04088/2 dated 20.05.2024. The same is taken on record. List on 06.08.2024.

IA No.1352/2024

Short note has been filed by the RP/applicant vide Diary No.01635/1 dated 05.07.2024. The same is taken on record. It is submitted by the Id. counsel for the RP that respondent No.8-Mr. K Ameenur Rahman has expired and his LRs can be impleaded as party because they have inherited the estate of the deceased-Respondent No.8 and relies upon the judgment of the Hon'ble NCLAT in the matter of ***Arvind Garg Liquidator of Carnation Auto India Pvt. Ltd. Vs. Jagdish Khattar and Others.***

However, on perusal of the short note, it is transpired that deceased Respondent No.8-Mr. K Ameenur Rahman was a Mohammedan as reflected from his name, therefore, Id. counsel for the RP is directed to quote the relevant provision of the Mohammedan Law for impleading LRs of deceased-Respondent No.8 along with information as to what estate the deceased had left and is inherited by his LRs. Let the same be done within two weeks and matter be listed on 06.08.2024.

IA No.32/2024

List on 06.08.2024.

Sd/-
(UMESH KUMAR SHUKLA)
MEMBER (TECHNICAL)
Tanvi

Sd/-
(HARNAM SINGH THAKUR)
MEMBER (JUDICIAL)