

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT-VI

Item No. 619
IB-2661(ND)/2019

IA/1640/2022, IA/5377/2022, IA/3908/2023

IN THE MATTER OF:

M/s. HBN Dairies and Allied Ltd.

...PETITIONER

Vs.

M/s. Viraman Buildcon and Developers Pvt. Ltd.

...RESPONDENT

Section

U/s 7 of IBC, 2016

Order delivered on 24.07.2024
HYBRID HEARING (PHYSICAL & VC)

Coram:

SHRI MAHENDRA KHANDELWAL, HON'BLE MEMBER (JUDICIAL)
SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Petitioner/Financial Creditor :

For the Respondent/Intervenor

:Adv. Padmesh Mishra & Adv.
Shivam Shukla, Adv. Nakul Rai

ORDER

IA/1640/2022

This is an application filed by the then Resolution Professional (presently Liquidator) under Section 19 (2) & 19 (3) of the IBC, 2016 seeking cooperation from the Suspended Management of the Corporate Debtor. Vide order dated 05.04.2024 Respondents were set *ex parte*.

Heard the Ld. Counsel on behalf of the Applicant. Ld. Counsel on behalf of the Resolution Professional submitted that since he was appointed as Resolution Professional, he had made all possible efforts to collect the relevant information and documents as well as get assistance and cooperation from the Suspended Management and Directors, details of which are mentioned in para 6 of the application. It is the contention of the Ld. Counsel on behalf of the Applicant that in order to fulfill the obligations of the Resolution

Professional/Liquidator, the Respondents are mandated to provide full cooperation and assistance as well as necessary information/documents and materials. We have considered the request made by the Ld. Counsel on behalf of the Applicant in terms of the provisions contained in Section 19 of the IBC, 2016. It is mandatory for the Personal Guarantor/Corporate Debtor, its promoters and other persons associated with the management of the Corporate Debtor to extend all assistance and cooperation to IRP as may be required by him in managing the affairs of the Corporate Debtor. In view of this, since the Respondents have failed to extend cooperation to the Liquidator/ Resolution Professional, we direct the Respondents who are Directors of the Corporate Debtor to cooperate with the Resolution Professional/Liquidator and provide requisite information and documents and hand over the assets, within a period of two weeks. Since the Respondents have already been set *ex parte* the copy of this order, be served on them by the Resolution Professional/Liquidator. With these observations, present IA is **disposed off**.

IA/5377/2022

Ld. Counsel on behalf of the Liquidator/Applicant is present. Ld. Counsel on behalf of the intervenor is present and sought time to file reply. Two weeks, time prayed for is granted to the intervenor to file their response. This is the last opportunity to file their response. Thereafter ten days for filing rejoinder by the Liquidator. None appears on behalf of the Collector Dhantari. However, their reply is available on the e-portal. Interim order as passed on 04.11.2022 shall continue. List the matter on **13.08.2024**.

IA/3908/2023

Ld. Counsel on behalf of the Applicant/Liquidator is present. Shri Dinesh Kumar who is the Patwari of the concerned village appears in person and sought time to file reply. Time prayed is granted. List the matter on **13.08.2024**.

Sd/-
(Rahul Bhatnagar)
Member (T)

Sd/-
(Mahendra Khandelwal)
Member (J)