

DIVISION BENCH

ITEM NO.113

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

**IA No.399/2022, IA No.400/2022, IA No.81/2022, IA No.146/2022,
IA No.311/2022, IA No.356/2022, IA No.620/2023, IA No.621/2023 &
IA No.239/2024 IN CP (IB) No.377/ALD/2019**

CORAM:

- 1. SHRI PRAVEEN GUPTA,
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI ASHISH VERMA,
HON'BLE MEMBER (TECHNICAL)**

Date of Order: 13th May, 2024

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	MANJUSHREE TECHNOPACK LTD V/S HANSRAJ AGROFRESH PVT.LTD
UNDER SECTION	9 IBC (IN LIQUIDATION)

COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:

- Sh. Krishna Dev Vyas, Adv. : *For the Applicant in IA No.399/2022,
IA No.400/2022, IA No.81/2022,
IA No.356/2022 & IA No.239/2024;
and Res. No.1 in IA No.146/2022
& Res. in IA No.311/2022
and in IA No.620/2023 & IA No.621/2023*
- Sh. Amritam Mandal alongwith
Sh. Ajit Kumar Mishra,
Sh. Bhishma Pratap Singh
& Sh. Jitendra Yadav, Advs. : *For the Applicant in IA No.311/2022
& Res. in IA No.356/2022*
- Sh. Raghav Dev Garg, Adv. : *For the Applicant in IA No.620/2023
& IA No.621/2023*

ORDER

Ld. Counsels representing the parties are present.

IA NO.399/2022 & IA NO.400/2022

- 1.** As per the previous order dated 05.02.2024, the last opportunity was granted to the respondent nos.1 and 2 to file the reply within a period of two weeks.

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It was also observed in the said order that in any case the reply is not filed, then the right to file reply will be struck off without passing any further order.

2. Since the reply has still not come, therefore the right to file reply stands struck off.
3. Further, it was observed *vide* para no.4 of the said order, that the respondent no.3 is proceeded ex-parte, despite there being repeated service made against them.
4. In view of the above, let the aforesaid applications be listed for further hearing on 4th June, 2024.

IA NO.81/2022

1. The notices in the present application had already been issued, and there had been no representation on behalf of the Ex-Directors. Though the reply has been filed, however the updated information as sought by the RP, has not been supplied.
2. On the previous date of hearing i.e. on 05.02.2024 in the light of the fact that the updated information was not being furnished. The Ex-Director was also directed to be present on the next date of hearing either physically or through VC.
3. The Ld. Counsel representing the Liquidator was directed to intimate by way of an email to the Ex-Director about the copy of this order. The Ld. Counsel representing the Liquidator states that the communication to this effect has been made by way of an email dated 08.03.2024. The said communication has also not been responded by them.
4. In view of the aforesaid, the respondent is proceeded as ex-parte.
5. The present application has been filed U/s 19(2) of the Code, wherein a prayer has been made seeking cooperation from the Ex-Directors. According

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to the Ld. Counsel representing the Liquidator, a complete information has not been provided as sought by him from time to time.

6. Ld. Counsel representing the Liquidator further states that details of the information, which were required to be supplied by the Directors of the Ex-Management, has been enumerated at para no.13 commencing from page no.7 onwards.
7. The reply has been filed by the Directors of the Ex-Management, wherein the grounds as stated are that the company is situated in Siliguri, and due to Covid-19, the company has been closed and some of the employees of the company have gone to their home, and because of this the company data is not being maintained. However, they state that some of the information have already been provided.
8. We have perused the reply and are not satisfied that the information required, has not been supplied by the Directors of the Ex-Management. We therefore allow the present application filed U/s 19(2) as against the Directors of the Ex-Management.
9. In this context, further communications/ reminders have also been made by the Ld. Counsel representing the Liquidator.
10. Let the information be supplied within a period of three weeks by the Directors of the Ex-Management as required by the Liquidator.
11. With these directions, the present IA No.81/2022 stands disposed off.

IA NO.146/2022

1. There is no representation on behalf of the Applicant.
2. Let the last opportunity be granted to the Applicant to appear and to pursue the present application on the next date of hearing.
3. This application be put up on 4th June, 2024.

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IA NO.311/2022 & IA NO.356/2022

1. At the request of the Ld. Counsel representing the Applicant in IA No.311/2022 and respondents in IA No.356/2022, the said applications be put up for further hearing on 4th June, 2024.

IA NO.620/2023 & IA NO.621/2023

1. Ld. Counsel representing the Liquidator in both the applications, seeks and is granted two weeks time to file the reply, by serving an advance copy to the opposite side.
2. Let both IA No.620/2023 and IA No.621/2023 be put up on 4th June, 2024.

IA NO.239/2024

1. This is a third Progress Report filed on behalf of the Liquidator for the quarter ended on 31.03.2024, the same is taken on record, subject to just exceptions.
2. Accordingly, IA No.239/2024 stands disposed off.

-Sd-
(Ashish Verma)
Member (Technical)

-Sd-
(Praveen Gupta)
Member (Judicial)

13th May, 2024

Kavya Prakash Srivastava
(Stenographer)