

DIVISION BENCH
COURT - II

O-207

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/446(KB)2017
IA(I.B.C)/414(KB)2022, IA(I.B.C)/1681(KB)2023,
IA(I.B.C)/1542(KB)2023, IA(I.B.C)/838(KB)2024,
IA(I.B.C)/238(KB)2024, IA(I.B.C)/1448(KB)2023,
IA(I.B.C)/1763(KB)2019, IA(I.B.C)/154(KB)2022,
IA(I.B.C)/180(KB)2022, IA(I.B.C)/866(KB)2022,
IA(I.B.C)/418(KB)2022, IA(I.B.C)/864(KB)2022,
IA(I.B.C)/1355(KB)2019, IA(I.B.C)/909(KB)2020

**CORAM: 1. HON'BLE MEMBER(J), SMT. BIDISHA BANERJEE
2. HON'BLE MEMBER(T), SHRI D. ARVIND**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 10TH JULY 2024

IN THE MATTER OF	SHREESHYAM METALIKS PRIVATE LIMITED VS CONCAST STEEL & POWER LIMITED
UNDER SECTION	IBC UNDER SEC 9

Appearance (via video conferencing/physically)

Ms. Kiran Sharma, Adv.] For the Liquidator
Ms. Devanshi Prasad, Adv.]
Ms. Pooja Chakraborti, Adv.]

Mr. Jishnu Saha, Sr. Adv.] For the Liquidator in IA(I.B.C)/1763(KB)2019
Mr. Soorjya Ganguli, Adv.]
Ms. Pooja Chakraborti, Adv.]
Ms. Kiran Sharma, Adv.]

Mr. Rahul Auddy, Adv.] For WBHIDCO in IA(I.B.C)/1763(KB)2019
Mr. Aditya Gooptu, Adv.]

Ms. Tiyasa Golder, Adv.] For Respondent No. 3 E.S.I Corporation
Mr. T. K. Chatterjee, Adv.]

Mr. A. R. Sanyal, Adv.] For Respondent No.8 Axis Bank
Mr. D. Banerjee, Adv.] IA(I.B.C)/838(KB)2024

Mr. Riyanshu Agarwal, Adv.] For Angel Securities in IA(I.B.C)/238(KB)2024

Mr. Rahul Parasrampurua, Adv.] For the Successful Bidder in IA(I.B.C)/154(KB)2022,
Mr. Rohit Parasrampurua, PCA] IA(I.B.C)/866(KB)2022, IA(I.B.C)/180(KB)2022,
] IA(I.B.C)/864(KB)2022

Mr. Anand Das, Adv.] Respondent No.1 & 6

O R D E R

1. Ld. Sr. Counsel and Ld. Counsel appearing on behalf of the parties present.
2. **IA(I.B.C)/414(KB)2022: , IA(I.B.C)/418(KB)2022:**
 - a. This has been wrongly appeared since this IA has been already disposed of on **24.05.2024.**
3. **IA(I.B.C)/838(KB)2024:**
 - a. Ld. Counsel for the Respondent Nos.1 to 6 submits that attachment orders have been vacated long back. Let an affidavit to that effect be filed within a period of seven days’.
 - b. We direct Axis Bank to furnish orders mentioned in communication to Pages 41 and 42 which are as under:

“2. The details of statutory letters in whose order the freeze/lien noted in this account as attached

 - a) Dy Commissioner of Sales tax, vide its letter no-1569/1567/1571, dated 08-05-2017
 - b) Recovery Officer, Employees State Insurance Corporation, Bhubaneswar, vide its letter dated 04-07-2017
 - c) Collector, Jharsuguda, vide its letter no-5305, dated 21.06.2017
 - d) Income Tax Office, TDS, Ward 3(3), Kolkata, vide its letter no-2017-18/688, dated 03-11-2017
 - e) Dy Commissioner of CT & GST, Jharsuguda vide its letter no-3338(2) dated 12.09.2018
 - f) Asst. Commissioner, Commercial Tax, Bhopal vide its letter no-Recovery/DC/2018/355 dated 14.03.2018
 - g) Asst, Commissioner of Income Tax, Kolkata, vide its letter dated 31.01.2020 and
 - h) Dy Commissioner of Sales Tax, Jharsuguda vide its letter no-2029 dated 12.03.2020”

Failing which an appropriate order would be passed directing the Axis Bank to defreeze the account.

- c. We would also note that Ld. Counsel appearing for the Respondent Nos. 1 and 6 submits that attachment orders had already been lifted. We failed to note order of any other statutory authorities in terms of which the order of debit freezing/lien on the account of the company in question, can continue.
- d. It is submitted that Respondent No.5 has also lifted its attachment order.
- e. Registry is directed to issue notice to Respondent Nos. 2, 3, 4 and 7 to specify whether the attachment orders if any issued by them have been lifted already, notice be issued by way of speed post and by way of e-mail and place the tracking information report on record.
- f. List the matter on **13.08.2024**.

4. IA(I.B.C)/238(KB)2024:

- a. Ld. Counsel for Angel Security Services admits at the bar that the Angel Security Services had provided security personnel for the Corporate Debtor and, therefore, they are not to be treated as workmen of the Corporate Debtor.
- b. The Ld. Counsel for the Respondent submits an attachment in **Amit Kumar Pandey & Ors. Vs. Pardeep Kumar Sethi in Company Appeal (AT) (Insolvency) No. 1364 of 2023** rendered on **05th December, 2023** to contend that the security personnel of the Angel Security Services are not to be treated as workmen of Corporate Debtor, with reference to Paras 12, 16 and 18 of the said judgment.
- c. Accordingly, this **IA(I.B.C)/238(KB)2024** stands dismissed with no order as to costs.

5. IA(I.B.C)/1542(KB)2023:, IA(I.B.C)/154(KB)2022:, IA(I.B.C)/180(KB)2022:, IA(I.B.C)/866(KB)2022:, IA(I.B.C)/864(KB)2022:

- a. Ld. Counsel Mr. Parasrampurua seeks to file rejoinder.
- b. We permit to file rejoinder if any, be filed within a period of seven days.
- c. List these matters for final hearing on **22.08.2024**.

6. IA(I.B.C)/1763(KB)2019:

- a. Heard Ld. Senior Counsel for the Liquidator in full.
- b. For continuation of argument list the matter on **11.07.2024**.

7. IA(I.B.C)/1355(KB)2019:, IA(I.B.C)/909(KB)2020:

- a. It is brought to our notice that orders sine die is pending before the Hon'ble Supreme Court.

D. Arvind
Member (Technical)

Bidisha Banerjee
Member (Judicial)