

NATIONAL COMPANY LAW TRIBUNAL

CUTTACK BENCH
COURT No. 1

ITEM No. 110
CP (IB) No. 9/CB/2023
IA (IB) No. 75/CB/2024

Proceedings under Section 95 (1) IBC

IN THE MATTER OF:

Omkara Asset Reconstruction Pvt. Ltd.
V/S
Vinod Jain

.....Applicant

.....Respondent

Order delivered on 24/06/2024

Coram:

Dr. N. V. Ramakrishna Badarinath, Hon'ble Member(J)
Shri Charan Singh, Hon'ble Member(T)

PRESENT:

For the Applicant

Mr. Sneh Maheswari, RP

For the Respondent

:

ORDER

Heard the learned counsel for the personal guarantor, Ld. Counsel for FC and the Resolution Professional

Learned counsel for the personal guarantor has drawn our attention to the 'consent form' and the 'report' filed by the RP, and stated that the consent form does not bear the name of the personal guarantor against whom the present Company Petition is filed. Likewise, in the RP's report the name of Personal Guarantor against whom the present company petition is filed is not mentioned.

Learned counsel for the PG further submits that, even though these serious defects mentioned in the objections filed long back, the RP has not cured the same. As such, the Tribunal may view the inaction seriously, and pass appropriate orders.

Learned RP submits that it was an 'inadvertent' mistake on her part and that she has not intentionally delayed curing the objections and if she is granted time, she would cure the defects, with the leave of the Tribunal.

Learned counsel for the Financial Creditor reiterated the above submissions of the Resolution Professional.

Having regard to the submissions made, since the record before us should be accurate, we hereby order as below:-

- (i) Since the matter has already been delayed, the oral request of the RP to carry out the necessary corrections/amendments is hereby allowed and leave is granted.
- (ii) RP shall make necessary corrections/amendments pointed out above, in the company petition, and also in the RP report, in the presence of the Court Officer, within 10 days from the date of this order and shall submit the neat copy within seven days thereafter. In default, opportunity to make correction stands forfeited.
- (iii) Insofar as the consent form already filed is concerned, let a fresh consent form duly filled, be filed by the RP, within seven days from the date of this order and upon filing the same shall be treated as one substituted for the consent form filed defectively.

Matter adjourned to 09.08.2024.

SD/-

Charan Singh
Member (Technical)

SD/-

Dr. N. V. Ramakrishna Badarinath
Member (Judicial)