

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
SPECIAL BENCH
COURT - 1

ITEM No.201 – IA(Plan)/18(AHM)2024
ITEM No.202 – IA/385(AHM)2024
ITEM No.203 – IA/548(AHM)2024
ITEM No.204 – IA/576(AHM)2024
ITEM No.205 – IA/900(AHM)2024
In
C.P.(IB)/111(AHM)2022

Proceedings under Section 7 IBC

IN THE MATTER OF:

Shree Nakoda Impex
V/s
Fairdeal Multifilament Pvt Ltd

.....Applicant

.....Respondent

Order delivered on: 24/07/2024

Coram:

Mr. Praveen Gupta, Hon'ble Member(J)
Mr. Sameer Kakar, Hon'ble Member(T)

PRESENT:

For the Applicant/RP	:Mr. Deep Bisht, Advocate a. w. Mr. Nitesh Sinha & :Mr. Niraj Kumar RP in person
For the Respondent	:Mr. Pratik Thakkar, Advocate :Mr. Vijay Patel, Advocate :Mr. Nipun Singhvi, Advocate

ORDER
(Hybrid Mode)

IA(Plan)/18(AHM)2024, IA/385(AHM)2024, IA/548(AHM)2024, IA/576(AHM)2024 & IA/900(AHM)2024

IA(Plan)/18(AHM)2024

Compliance affidavit has been filed under Diary No. D 5685 dated 22.07.2024 which is taken on record.

From Page Nos. 7 & 8, it appears that there were two employees who have submitted their claims for the period April, 2022. The RP has classified them as employees and not as workmen. Learned RP is directed to place on record the basis of which they have been classified as employees and not as workmen.

Learned counsel, Mr. Deep Bisht states that in response to Query No. III, he has nothing further to add and the requisite reply has been given in the additional affidavit.

Regarding Query No. V, it was stated during the hearing that the same is explained on Page No. 13 of the additional affidavit. On perusal it is seen that the RP has not attached the Minutes of the Meeting where deliberations/discussion took place regarding the distribution of PUFEE proceeds. On being asked, learned RP who is present in person states that though the matter was discussed in the CoC meetings but was not recorded in any of the minutes. He further seeks liberty to conduct another CoC meeting in this regard.

Compliance of Query No. VI is seen on Page No. 15 of the additional affidavit.

Compliance of Query No. VII, it is seen that the signed report is now appended at Page No. 216.

Compliance of Query No. VIII & IX is at Page No. 242 of the additional affidavit. On perusal of the affidavit reveals that 29A compliance was obtained on 29.06.2024 & 01.07.2024.

Compliance of Query No. X is placed on Page Nos. 272 to 289.

It is seen that Query No. XI has not been complied to the satisfaction of this Bench. RP was unable to produce the minutes where the said proposal was voted upon by the Unsecured Financial Creditors. Upon being pointed out, learned RP requests that he may be permitted to conduct another CoC meeting in this regard.

Compliance of Query No. XII is appended at Page No. 298.

In view of the specific requests by the RP to conduct another CoC meeting to deliberate upon the distribution of the PUFEE application and also to discuss the issue of preference shares to the Unsecured Financial Creditors, the RP seeks and is granted ten days time to conduct another CoC meeting to vote on these specific issues.

Compliance be reported within a period of three weeks from the date of this order.

IA/385(AHM)2024

Learned Counsel, Mr. Pratik Thakkar appears for the Respondent No. 1.

Learned Counsel, Mr. Vijay Patel appears for the R-2 and R-3.

Learned counsel for the R-1 submits that reply has been filed and he has also filed an application seeking condonation of delay in filing the reply which is yet to be numbered.

Learned counsel for the R-2 & R-3 submits that reply is filed online and he is in a process of filing an application seeking condonation of delay in filing the reply.

IA/548(AHM)2024

It was stated by the learned counsel for the Applicant that Suspended Management has provided the details of R-18. Affidavit of service has been filed under Diary No. D 5676 dated 22.07.2024.

It is seen from the affidavit of service that notice could not be delivered to Mr. Gautamchand Sanklecha and Ms. Pinki Jain who are R-15 and R-19 in the main matter.

For Mr. Gautamchand Sanklecha and Ms. Pinki Jain, RP seeks one more attempt of service of notice through e-mail and also to file a last e-mail correspondence along with an additional affidavit of service. Registry is directed to issue fresh notice to R-15 and R-19 within a period of three days from the date of this order.

Learned Counsel, Mr. Vijay Patel appears for the R-2 and R-3.

Learned Counsel, Mr. Nipun Singhvi appears for R-5 and R-10 and undertakes to file Vakalatnama within a period of three days. Further he seeks and is granted seven days time to file reply with advance copy to the opposite side.

Learned Counsel, Mr. Pratik Thakkar appears for R-1, R-4, R-6, R-8, R-11, R-14 and R-16 and replies have been filed.

Rejoinder, if any, to the replies already received and yet to be received to be filed within a period of three weeks from the date of this order.

IA/900(AHM)2024

Learned counsel, Mr. Pratik Thakkar appears for the applicant seeks and is granted further two days time to file rejoinder in the matter.

Re-list all matters for hearing on 20.08.2024.

Sd/-

**SAMEER KAKAR
MEMBER (TECHNICAL)**

Sd/-

**PRAVEEN GUPTA
MEMBER (JUDICIAL)**