

NATIONAL COMPANY LAW TRIBUNAL

COURT ROOM NO. 1,

MUMBAI BENCH

Item No. 19

MA 1833/2019 IA 1133/2021 IN C.P. (IB)/2295(MB)2018

CORAM:

SH. PRABHAT KUMAR

JUSTICE V.G. BISHT (Retd.)

HON'BLE MEMBER (TECHNICAL)

HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF THE HEARING ON **26.06.2024**

NAME OF THE PARTIES: **AMERICAN EXPRESS BANKING CORP V/s SUNIL
HITECH ENGINEERS LTD**

Section 7 Sec 60(5) of the Insolvency and Bankruptcy Code, 2016

ORDER

Adv. Pulkitesh Dutt Tiwari i/b Adarsh Tripathi for the Applicant present. Adv. Nausher Kohli a/w Adv. Pratik Pandey for the Respondent No.1 in MA 1833 of 2021 is present. Adv. Dhruvad Vaghani, Nandita Bajpai, for the Applicant/Liquidator present through VC.

MA 1833/2019

The Registry was directed to serve notice to Respondent No.3 to 6 however, the same has returned undelivered. The Applicant is directed to take out substituted service by way of publication. List this matter on Board on **30.07.2024**.

IA 1133/2021

Ld. Counsel for the Respondent submitted that in so far as cost recovery is concerned, the Applicant has failed to provide the claim details.

The Counsel for the Applicant undertakes to submit the revised claim form along with the necessary evidence to substantiate the claim in form of invoices raised by the contractors who had completed the remainder work.

As regards free issue material, we find that Corporate Debtor had advised the Applicant to lift the material which stood measured and reconciled at that point. However, the Applicant relies upon the contract which stipulate the transportation of the free issue material has to be affected by the Respondent. It is undisputed fact that the Respondent was in liquidation and has limited means to do so. However, the Applicant also did nothing, now applicant is claiming for that material also which was on the site at that time.

The Liquidator shall co-operate with the Applicant. List this matter on Board on **30.07.2024.**

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PRABHAT KUMAR
MEMBER (TECHNICAL)

Rehan Shaikh

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JUSTICE V.G. BISHT
MEMBER (JUDICIAL)