

**IN THE NATIONAL COMPANY LAW TRIBUNAL
SPECIAL BENCH, BENGALURU
(Through web-based video conferencing platform)**

**ITEM No.09
I.A No.636/2023
I.A (Res Plan) 05/2024 &
I.A No. 433/2024 in
C.P. (IB) No.199/BB/2018**

IN THE MATTER OF:

M/s.ICICI Bank Limited ... Petitioner
Vs.
M/s. Opto Circuits (India) Ltd., ... Respondent

Order under Section 7 of I & B Code, 2016

Order delivered on 23.07.2024

CORAM:

**JUSTICE (RETD.) T. KRISHNAVALLI
HON'BLE MEMBER (JUDICIAL)**

**SHRI MANOJ KUMAR DUBEY
HON'BLE MEMBER (TECHNICAL)**

PRESENT:

For I.A No. 636/2023 : Ms.Chithra Nirmala
For RP : Abhishek Anand
For SBI : Shri Vishnu Shriram
For Applicant in I.A No.433/2024 : Shri Mohammed Shameer

ORDER

I.A No.636/2023

1. Heard the Learned Counsel for the Applicant.
2. Pleadings are complete. List on **27.08.2024**.

I.A (Res. Plan) No.05/2024

1. Heard the Learned Counsel for the Applicant.
2. On perusal of the Resolution Plan, it is noticed that the following documents are not filed:
 - a. Due Diligence report under Regulation 36A (8).
 - b. Undertaking by the Prospective Resolution Applicant under Regulation 39 (c).

- c. Performance Bank Guarantee.
 - d. Networth Certificate of Successful Resolution Applicant as on 31.03.2023.
 - e. Affidavit regarding how funds will be distributed in the event of its realisation in respect of the avoidance transaction.
 - f. Affidavit in respect of Regulation 31A for paying the applicable Regulatory fee to the IBBI.
 - g. Affidavit regarding pending litigations, if any.
 - h. Clarification in respect of Source of Funds.
 - i. Further, Section 30 (2) (e) refers to “*does not contravene any of the provisions of the law for the time being in force*”, against which it is stated as ‘Yes’. Further, also in Para-9 of Form-H in compliance of Regulation 38 (1B) also it is stated as ‘Yes’. The Applicant Counsel is directed to clarify the same; and granted a liberty to file an Amended Form-H, if they so desire, within a period of two weeks. List on **27.08.2024**.
3. Further, the Learned Counsel appearing for the SBI stated that he has filed an application and office objections raised by the Registry is also complied with. Therefore, registry is directed to verify the same and get it listed on the next date of hearing.
 4. The Counsel for the RP requested to direct the Applicant to serve the copy of the application on them. Therefore, the Applicant Counsel is directed to serve a fresh copy of the application to the Respondent through email immediately. Thereafter, two weeks’ time is granted to the Respondent to file objections duly serving the copy on the otherside and one week thereafter to the Applicant to file rejoinder if any.

I.A. No.433/2024

1. Heard the Ld. Counsel for the Applicant and Respondent.
2. The Respondent Counsel requested time to file reply in the application. Two weeks’ time is granted to the Respondent to file reply duly serving the copy on the otherside and one week thereafter to the Applicant to file rejoinder if any. List on **27.08.2024**.

Sd/-
(MANOJ KUMAR DUBEY)
MEMBER (TECHNICAL)

Sd/-
(T.KRISHNAVALLI)
MEMBER (JUDICIAL)