

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI

COURT-VI

**Item No. 614
IB-2661(ND)/2019**

IN THE MATTER OF:

M/s. HBN Dairies and Allied Ltd.

...PETITIONER

Vs.

M/s. Viraman Buildcon and Developers Pvt. Ltd.

...RESPONDENT

Section

U/s 7 of IB Code, 2016

**Order delivered on 20.01.2023
(Virtual Hearing)**

Coram:

**SHRI BACHU VENKAT BALARAM DAS, HON'BLE MEMBER (JUDICIAL)
SHRI RAHUL BHATNAGAR, HON'BLE MEMBER (TECHNICAL)**

PRESENT:

For the Intervenor

**:Mr. Padmesh Mishra, Advocate in
Intv.P/1/2023**

For the RP

:Adv. Shashwat Parihar

For the Respondent/Corporate Debtor

**:Mr. Kumar Shashank Keshri,
Relationship Manger, Mr. Sumeer
Sodhi, Mr. Aman Nandrajog and Mr.
Gaurav Arora, Advs. for R1 and R2
in IA/5377/2022**

ORDER

IA/5377/2022

We have heard the submissions made by Ld. Counsel for the Resolution Professional as well as Mr. Padmesh Mishra, Ld. Advocate appearing for the Intervenor. Ld. Counsel has appeared on behalf of the Collector/Tehsildar of Raipur (Chattisgarh) and has sought further weeks' time to file reply as well as vakalatnama. Therefore, post this matter after one week for arguments. Ld. Counsel for the Collector of Raipur has also submitted that the auction

proceedings were based on the letter/request of the Collector of Dhamtari. Therefore, in the interest of justice, the Collector of Dhamtari is also directed to file his reply through Counsel. Ld. Counsel for the RP is therefore directed to file the amended memo of parties. Notice be issued to Collector of Dhamtari on **09.02.2023**.

Interim order shall continue till the next date of hearing.

Intv. P/1/2023

Ld. Counsel for the RP has sought one week time to file his reply. Therefore, post this matter after ten days.

IA/5762/2022

We have heard the submissions made by Ld. Counsel for the Resolution Professional. Ld. Counsel for the Resolution Professional has submitted that the CoC with 100% voting shares has recommended liquidation of the Corporate Debtor. We have gone through the paper book. Order in this IA is **reserved**.

IA/2788/2022

Respondent is already set *ex parte*. Post this IA for arguments.

IA/2354/2022

We have heard the Ld. Counsel for the Resolution Professional. On the last date of hearing the Deputy Branch Manager has appeared on behalf of ICICI

Bank and submitted that the ICICI Bank will file their report within two weeks. However, no reply has been filed by them. ICICI Bank is directed to file proper reply through Counsel within next week. Mr. Kumar Shashank Keshri, Relationship Manager has appeared on behalf of the ICICI Bank and he is not in a position to address the Tribunal. Therefore, we direct the Senior Official preferably Branch Manager of ICICI Bank, (J8 Vikaspuri Delhi) to appear before this Tribunal on the next date of hearing, failing which appropriate order shall be passed. Notice may again be issued to the concerned Officer of the Income Tax Department in which it may be made clear that if they do not appear and file their version in the matter adverse order could be passed by this Tribunal.

IA/1640/2022

The Court Officer is directed to ascertain the status of the execution of the bailable warrant.

List the matter on **09.02.2023** in physical mode.

Sd/-
(Rahul Bhatnagar)
Member (T)

Sd/-
(Bachu Venkat Balaram Das)
Member (J)