

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

ORDER SHEET OF THE HEARING ON 24th APRIL, 2024, 11:00 A.M.

**IA (IBC)/99/GB/2023
IA (IBC)/5/GB/2024
IA (IBC)/86/GB/2024
In CP (IB)/15/GB/2022**

**Present: 1. Hon'ble Member (Judicial), Shri H.V. Subba Rao
2. Hon'ble Member (Technical), Shri Satya Ranjan Prasad**

IN THE MATTER OF	Brahmaputra Galvochem Pvt. Ltd. (CD) Vs State Bank of India (FC)
UNDER SECTION	U/s 10 of IBC, 2016

For Petitioner (s) : Mr. Saurav Jain, Adv. & Mr. Shaunak Mitra, Adv. for Liquidator

For Respondent (s) : Mr. Mukesh Sharma, Adv. } IA (IBC)/99/GB/2023
Ms. S. Yasmin, Adv. } IA (IBC)/5/GB/2024

Liquidator : Ms. Meena Sureka, in person

ORDER

IA (IBC)/99/GB/2023

Both sides counsel present. Pleadings are complete. List for arguments on **16.05.2024**.

IA (IBC)/5/GB/2024

1. Ld. Counsel Mr. Shaunak Mitra along with Ld. Counsel Mr. Saurav Jain appears through VC on behalf of the Liquidator. Respondents' Counsel Mr. Mukesh Sharma appears physically in the Court. Hearing conducted in hybrid mode.
2. This application has been filed under Section 34 (3) read with Section 19 (2) of IBC, 2016 primarily alleging non-co-operation from the Suspended Board of the Corporate Debtor and not providing of the required set of information/documents sought by the liquidator.

3. Ld. Counsel for the Applicant herein brings to notice of this Tribunal the supplementary affidavit filed by them on 24.04.2024 and more particularly the email dated April 02, 2024 of NEDFI and the photographs attached with the email, to stress upon that the essential files /documents have been handed over to the respondents, which is allegedly supported by the acknowledgement dated 01.08.2016 of one of the directors confirming receipt of the essential files referred to at Page 21 of the aforesaid Supplementary Affidavit.
4. However, learned counsel for the respondents categorically denied the same and submitted in the open court that NEDFI and State Bank of India are telling lies and that other than ESI and PF related files they have not received any other file /document.
5. Since, a serious allegation has been made by the Ld. Counsel representing the Respondents against NEDFI and SBI, this Tribunal deems it necessary and accordingly direct that authorized representative of NEDFI (having address : North Eastern Development Finance Corporation Limited (NEDFI) NEDFI House, G S Road, Dispur, Guwahati- 781006) and State Bank of India, (STATE BANK OF INDIA SAMB, 8th Floor, Nagaland House,11 & 13, Shakespeare Sarani, Kolkata-700071) conversant with the matter, to be present either physically or through Video Conferencing on the next date of hearing to clarify the issue and to enable this Tribunal to bring this matter to a logical conclusion and thereby passing of necessary Order.
6. List the matter on **16.05.2024** for further consideration.
7. Registry is also directed to serve a copy of this Order to the concerned Offices of NEDFI and SBI for the necessary compliance of this Order and for appearance of their authorized representative on the aforesaid date of listing.

IA (IBC)/86/GB/2024

Learned Counsel Mr. Shaunak Mitra along with Learned Counsel Mr. Saurav Jain appears on behalf of the Liquidator. The second progress report dated 05.04.2024 for the quarter ended on 31.03.2024, filed with the application discussed and taken on file, subject to just exceptions. Accordingly, this application is allowed and **disposed of**.

However, this is to be mentioned that disposal of this application is only to the extent of taking the report on file.

Sd/-
Satya Ranjan Prasad
Member (Technical)

Sd/-
H.V. Subba Rao
Member (Judicial)