

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

ORDER SHEET OF THE HEARING ON 26th APRIL, 2024, 10:30 A.M.

**IA (Comp. Act.)/16/GB/2023
IA (Comp. Act.)/5/GB/2024
In CP/8/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	IL & FS IIDC Fund Vs Infrastructure Development Company of Nagaland Pvt. Ltd.
UNDER SECTION	U/s 271(e) of 272 of Companies Act, 2013

For Petitioner (s) : Ujwal Kumar Kalita, Liquidator.

For Respondent (s) :

ORDER

IA (Comp. Act.)/16/GB/2023

1. The above IA is filed by the Ld. Liquidator for taking the Progress Report on record. Since, the main CP has been inadvertently disposed of *vide* order dated 21.06.2022 while ordering liquidation, this Tribunal is of the considered view that the above Progress Report cannot be taken on record unless the main CP is restored to file. Since, it is purely an accidental and technical error, this Bench accordingly *suo moto* restores the main CP on file subject to all just exceptions.
2. In the report filed, it has been brought to notice by the Ld. Liquidator that the Company had already been struck off by ROC, NER as per the Master Data extracted from the website of Ministry of Corporate Affairs. Ld. ROC was directed to be present for clarification *vide* order dated 26.03.2024. Today, Ld. ROC is present in person and states that he has no objection in restoring the status of the company from "*Struck off*" to "*Active*", if there are such directions of this Tribunal.
3. In this regard, Ld. Liquidator has relied on the order of Hon'ble NCLAT in *Elektrans Shipping Ptd Ltd. v. Pierre D'silva Company Appeal (AT) (Insolvency) No. 754 of 2019* where it has been observed by:

“In view of the aforesaid provision, we hold that the Adjudicating Authority who is also the Tribunal is empowered to restore the name of the Company and all other persons in their respective position for the purpose of initiation of ‘Corporate Insolvency Resolution Process’ under Sections 7 and 9 of the I&B Code based on the application, if filed by the ‘Creditor’ (‘Financial Creditor’ or ‘Operational Creditor’) or workman within twenty years from the date the name of the Company is struck off under sub-section (5) of Section 248. In the present case, application under Section 7 having admitted, the ‘Corporate Debtor’ and its Directors, Officers, etc. deemed to have been restored in terms of Section 252(3) of the Companies Act.”

4. Ld. ROC is directed to restore the name of the Company in its register in order to facilitate the liquidation process. Ld. Liquidator is also directed to comply with the requirements on restoration of company with filing of Annual Reports etc. Hence, in view of the above directions, Report of Ld. Liquidator is taken on record subject to all just exceptions. Accordingly, IA (Comp. Act)/ 16/ GB/ 2023 is allowed and disposed of.

IA (Comp. Act.)/5/GB/2024

The above IA is filed by the Ld. Liquidator for taking the Quarterly Report with respect to Progress of Winding Up on record. Report of Ld. Liquidator is taken on record subject to all just exceptions. Accordingly, IA (Comp. Act)/ 5/ GB/ 2024 is allowed and disposed of.

Sd/-
Satya Ranjan Prasad
Member (Technical)

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