DIVISION BENCH
COURT - II

O-205

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

C.P. (IB)/188(KB)2019
IA(I.B.C)/355(KB)2023,
IA(I.B.C)/354(KB)2023

CORAM: 1. HON'BLE MEMBER(J), SMT. BIDISHA BANERJEE
2. HON'BLE MEMBER(T), SHRI BALRAJ JOSHI

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 01ST MARCH, 2023, 03:00 P.M

IN THE MATTER OF	**MONOTRONE LEASING PRIVATE LIMITED VS B. D. MOTORS LIMITED**
UNDER SECTION	**IBC UNDER SEC 7**

Counsel/Authorised Representative appeared physically/through video conference:
For the Liquidator

1. Mr. Rishav Banerjee, Adv.
2. Mr. A.K. Awashti, Adv.

ORDER

1. Ld. Counsel for the parties present.

2. **IA(I.B.C)/354(KB)2023**

   a. This is an application for exclusion of 260 days time period from the total liquidation period. It is submitted that vide an order dated 06.01.2022, the applicant herein was appointed as the Liquidator. The applicant states that an email was sent on 16.01.2022 to one Mr. A. Mazumder, an illegal occupant of the Durgapur Unit of the Corporate Debtor, for the purpose of taking vacant and peaceful possession of the said Durgapur Unit but the said email was not replied. The Applicant along with valuers visited the said Durgapur Unit of the Corporate Debtor for the purpose of carrying out the valuation of the land and building comprised in the said Durgapur Unit. However, the said valuers and the applicant were manhandled and intimidated by the said Mr. Animesh Mozumder and his ten-twelve accomplices.

   b. In the above circumstances, the applicant filed an application vide IA (IB)302(KB)2022 against the said Mr. Animesh Mozumder seeking directions on the Commissioner of Police, Asansol-Durgapur and the Officer -in -Charge of Kanksa Police Station, Durgapur to render necessary police help / assistance and protection to the applicant. The said application was allowed on

13th June, 2022 with directions on the said Mr. A. Mozumder to handover the Durgapur Unit to the Applicant / Liquidator.

c. On about, 15th June, 2022, the applicant herein in terms of the said order dated 13th June, 2022 went to the Kanksa Police Station for taking control of the said Durgapur Unit of the Corporate Debtor when he was informed by the Kanksa Police Station that the said Mr. Animesh Mozumder has obtained an ex-parte order of stay on the said order dated 13th June, 2022.

d. It is submitted that all properties of the Corporate Debtor have been sold except one Durgaur Unit which is under liquidation against the same an order is pending before the Hon'ble High Court, Calcutta pending in C.O. No. 1568 of 2022. An order dated 15th June, 2022 passed therein whereby the order dated 13th June, 2022 passed by this Tribunal was stayed.

e. In this regard, having considered the time lost owing to the pendency of the said Civil Revisional Application being C.O. No. 1568 of 2022 pending before the Hon'ble High Court, Calcutta, we deem it proper and hence the prayer of **exclusion of 260 days is hereby allowed as sought for and accordingly, IA(I.B.C)/354(KB)2023 is disposed of.**

3. IA(I.B.C)/355(KB)2023:

a. This is an application filed by the Liquidator for placing on record the 4th Progress Report which is placed at page 08 to 20.

b. This application is support by an affidavit at page 7.

a. The 4th Progress Report is taken on record and accordingly, **IA(I.B.C)/355(KB)2023 is allowed and disposed of.**

4. List the main CP for further progress **on 27.04.2023.**

Balraj Joshi
Member (Technical)

Bidisha Banerjee
Member (Judicial)

MJ