

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH (Court-II)
KOLKATA**

I.A.(IB) No. 2004/KB/2023
in
C.P. (IB) No. 1382/KB/2020

*An application under Section 60(5) of The Insolvency and Bankruptcy Code,
2016, read with Rule 11 of the National Company Law Tribunal Rules, 2016;*

In the matter of:

Darjeeling Organic Tea Estate Private Limited

...CORPORATE DEBTOR

And

In the matter of:

ODAT-GmbH

...APPLICANT

Versus

1. CA Santanu Brahma, Interim Resolution Professional of Darjeeling Organic Tea Estates Private Limited.
2. The Committee of Creditors of Darjeeling Organic Tea Estates Private Limited.

...RESPONDENTS

Date of pronouncement of order: 30.04.2024

CORAM:

**SMT. BIDISHA BANERJEE, HON'BLE MEMBER (JUDICIAL)
SHRI D. ARVIND, HON'BLE MEMBER (TECHNICAL)**

Appearances (via Video Conferencing/Physical):

Mr. Santosh Kr. Roy, Adv.] For the Committee of Creditor
Ms. Rituparna Sanyal, Adv.]

Mr. Shaunak Mitra, Adv.] For the Resolution Professional
Mr. Dripto Mazumdar, Adv.]
Mr. Manas Das, Adv.]

Mr. Pramit Bag, Adv.] For the Respondent No.2
Mr. R.R. Modi, Adv.]

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Mr. Anuj Mishra, Adv.]
Mr. Avishek Guha, Adv.] For the Respondent No.3
Mr. Arunika Dutta, Adv.]
Mr. Kaustov De Sarkar, Adv.]

O R D E R

Per: D. Arvind, Member (Technical)

1. This Court congregated through a hybrid mode.
2. Heard, Ld. Counsel for the parties present.
3. This application has been filed by ODAT-GmbH (hereinafter referred to as 'Applicant') against Shantanu Bhrama an Interim Resolution Professional of Darjeeling Organic Tea Estate Private Limited (Resolution Professional) and the Committee of Creditors of Darjeeling Organic Tea Estates (CoC) (hereinafter referred to as Respondents) seeking recalling the order passed by this Tribunal in IA No. 1649/KB/2023 on the ground that no opportunity was given to the Applicant to make a rejoinder to the oral submissions made on behalf of the Respondents despite request made by the Ld. Advocates on behalf of the Applicant.

4. Brief Facts:

- 4.1. This Tribunal passed an order in IA 1649/KB/2023. On 24th December, 2023 against which the Applicant has simultaneously, moved the Hon'ble NCLAT and the Hon'ble NCLAT was pleased to allow their appeal and set aside the order passed by this Tribunal. If that being the case this application has become infructuous and in any event under the facts and circumstances of the case and considering the current status of the matter where Hon'ble NCLAT has already set aside our order

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dated 24th November, 2023, the same cannot be and need not be recalled.

4.2. Accordingly, this Application I.A.(IB) No. 2004/KB/2023 is dismissed.

**D. Arvind
Member (Technical)**

**Bidisha Banerjee
Member (Judicial)**

Signed on this, the 30th April, 2024