

NATIONAL COMPANY LAW TRIBUNAL

राष्ट्रीय कंपनी विधि अधिकरण

CUTTACK BENCH

कटक खंडपीठ

ORDER OF THE HEARING ON 22nd APRIL, 2024, 10:30 A.M.

CP (IB) No. 31/CB/2022, IA (IB) No. 336/CB/2023, IA (IB) No. 355/CB/2023,
IA (IB) No. 46/CB/2024, IA (IB) No. 111/CB/2024

Coram: 1. Hon'ble Member (Judicial), Shri P. Mohan Raj
2. Hon'ble Member (Technical), Shri Kaushalendra Kumar Singh

Name of the Company	Kalinga Enterprises Pvt. Ltd. -Vs- Maa Manasha Devi Alloys Pvt. Ltd.
Under Section	9 IBC

Hearing through: VC and Physical (Hybrid) Mode

For Petitioner (s)

Dr. S.C. Mohanty, CS CMA } Ex-RP
Mr. Umesh Ch. Sahoo, Adv.
Mr. Gourav Joshi, CS

For Respondent (s)

Mr. Saradindu Jena, CS
Mr. Rahul Agarwal, CS } IA 336/23
Mr. Kanishk Khetan, Adv,

ORDER

IA (IB) No. 336/CB/2023:

Ld. Counsel Mr. Umesh Ch. Sahoo along with CS Gourav Joshi appear for the applicant. Ld. authorised representative CS Rahul Agarwal along with Mr. Kanishk Khetan appear for the first respondent, who is the operational creditor in the main CP. Ld. authorised representative CS Saradindu Jena appears for the second respondent/Corporate Debtor. This application has been filed under Section 60(5) of IBC R/w Rule 11 of NCLT Rules, 2016 by the erstwhile RP claiming the CIRP cost. The counsel appeared for the first respondent represented that the Operational Creditor had already preferred an appeal against the order of the dismissal of the Section 9 IBC dated 06.03.2024 before the Hon'ble NCLAT. The same likely to be listed on this week before Hon'ble NCLAT. He also represented that this application has been filed in the pursuance of NCLAT order. Now, the 1st Respondent in the appeal filed before Hon'ble NCLAT also filed applications for certain interim reliefs and sought an adjournment. Hence, matter adjourned to 28.05.2024.

IA (IB) No. 355/CB/2023:

This application has been filed under Section 60(5) of IBC R/w Rule 11 of NCLT Rules, 2016 for direction to erstwhile RP. Both sides counsel present. List the matter on 28.05.2024.

Sd

Sd

IA (IB) No. 46/CB/2024:

This application has been filed under Rule 11 of NCLT Rules, 206 for direction to erstwhile RP to amend IA No. 336/2023 by impleading all CoC Members. Ld. Counsel Mr. Kanishk Khetan appears for applicant. List the matter along with IA(IB) No. 336/CB/2024 on 28.05.2024.

IA (IB) No. 111/CB/2024:

This application has been filed under Rule 11 of NCLT Rules, 2016 by the Corporate Debtor to refund of the deposited amount. Ld. authorised representative CS Saradindu Jena appears for applicant. An appeal against the order of the dismissal of the main petition is already preferred before NCLAT. This application is nothing to do with the appeal. In fact, there is no impediment to proceed with this application. However, at the request of counsel for Operational Creditor, matter adjourned for hearing and disposed by 30.04.2024.

Sd

Kaushalendra Kumar Singh
Member (Technical)

Sd

P. Mohan Raj
Member (Judicial)