

NATIONAL COMPANY LAW TRIBUNAL
राष्ट्रीय कंपनी विधि अधिकरण
CUTTACK BENCH
कटक खंडपीठ

ORDER SHEET OF THE HEARING ON 10th JANUARY, 2024, 10:45 A.M.

TP No. 211/CTB/2019 (CP No. 26/2016)- H.C.

IA (Companies Act) No.22/CB/2023, IA (Companies Act) No.18/CB/2023

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

Name of the Company	Suresh Chandra Patanayak -Vs- Sanjeev Srivastava & Anr.
Under Section	433, 434 & 439 (9 IBC)

Hearing through: VC and Physical (Hybrid) Mode

For Petitioner (s) Mr. Saswat K. Acharya, Adv.
Mr. A. Agarwal, Adv.
Ms. J. Sahoo, Adv.
Mr. J. Joshi, Adv.

For Respondent (s) Mr. Shaswat Kumar Rout, Adv.
Mr. Rahul Ray, Adv.
Mr. S. J. Biswal, Adv.

ORDER

IA No. 22/CB/2023:

This is an application filed by RP under Section 19(2) of IBC, 2016 for direction directing the Respondent/Suspended Board of Directors of CD to hand over the possession of the immovable property mentioned in the schedule. Ld. Counsel, Mr. S. K. Acharya appearing for the applicant/RP. Ld. Counsel, Mr. Rahul Ray appears for the Respondent/Suspended Board of Directors of Corporate Debtor. The respondent counsel submits that Suspended Board of Directors/Respondents are not in physical possession of schedule mentioned property and further stated that possession of the property is with Shree Lingraj Temple Trust and also said that the respondents do not know who engaged the security persons in the said premises. The supra submission of the counsel is recorded. In this situation, records perused. In the letter dated 01.06.2017 of the Corporate Debtor addressed

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to the Executive Officer of Shree Lingraj Temple Trust Board clearly shows that the Corporate Debtor was in possession of the scheduled mention property and constructed building thereon after obtaining permission of authorities concern. The Commissioner of Endowment Odisha, Bhubaneswar in O.A. No. 141/2017, passed an order dated 02.05.2019. This order also depicts that Corporate Debtor was in physical possession of the scheduled mention property. In spite of documentary evidence, now the respondents disowned their possession so there is no need to pass any direction against them. However, the Applicant/RP is directed to take the physical possession of the property since Corporate Debtor has right to possess the property and he is also permitted to take necessary assistance from the concern Police, if needed, in this regard. Thus, this application is ordered and disposed of.

Schedule Description of Property

** Unit-22, Bhimpur Mouza, Bhubaneswar, at*

Khata No. 544/751, Plot No. 930, Area Ac 0.390 decs

Khata No. 544/751, Plot No. 931. Area Ac. 0.054 decs

Khata No. 544/751, Plot No. 932. Area Ac 0.315 decs

Khata No. 544/751, Plot No. 933, Area Ac. 0.862 decs

Khata No. 544/751, Plot No. 934, Area Ac. 0.250 decs

Khata No. 544/751, Plot No. 935, Area Ac. 0.210 decs

Khata No. 544/779, Plot No. 980, Area Ac. 0.275 decs.

Total Area Ac. 2.356 decs

* Amended as per the order dated 03.04.2024 passed in IA (C. Act) No. 08/CB/2024.

IA No. 18/CB/2023:

Both sides counsel present. Respondent counsel represented that respondent is already filed an application to take on record additional affidavits, same is not yet

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numbered and is under scrutiny. At the request of the counsel for the Applicant/RP, list the matter by 23.01.2024.



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Kaushalendra Kumar Singh
Member (Technical)



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P. Mohan Raj
Member (Judicial)

Supriya_P.S.