

IN THE NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD
DIVISION BENCH
COURT - I

ITEM No.211 – IA/193(AHM)2023
ITEM No.212 – IA/628(AHM)2023
ITEM No.213 – IA/1267(AHM)2023
ITEM No.214 – IA/1280(AHM)2023
ITEM No.215 – IA/251(AHM)2024 in IA/628(AHM)2023
In
C.P.(IB)/139(AHM)2021

Proceedings under Section 7 IBC

IN THE MATTER OF:

State Bank of India
V/s
Yogiraj Spinning Ltd

.....Applicant

.....Respondent

Order delivered on 19/02/2024

Coram:

Mr. Shammi Khan, Hon'ble Member(J)
Mr. Sameer Kakar, Hon,ble Member(T)

PRESENT:

For the Applicant	:Mr. Pratik Thakkar, Ld. Adv.
For the Respondent	:Mr. Arjun Sheth, Ld. Adv. for R-2 & R-3 Mr. Harmish Shah, Ld. Adv. for R-4
For the RP	:Mr. Sunilkumar Agarwal present in person

ORDER

IA/193(AHM)2023, IA/628(AHM)2023, IA/1267(AHM)2023, IA/1280(AHM)2023 & IA/251(AHM)2024 in IA/628(AHM)2023

IA/193(AHM)2023

Today across the Bench a compliance affidavit has been filed by the Applicant/RP which is taken on record. However, no additional affidavit qua the information or record has been filed by the Respondents. As per last order the R-1 to R-3 were directed to meet the RP on 15.02.2024 at 3:00 P.M. at his office qua the cooperation, information/documents. As per compliance affidavit filed by the RP only R-2 & R-3 attended the meeting with the RP and provided certain information/documents referred in at Page No. 4 and other certain remaining

information and documents they sought time up to 10.03.2024. Hence, the learned counsel for the applicant has requested that this matter may be kept pending.

Today, the Respondent No. 1 despite directions neither has appeared physically nor virtual mode. Nor any application for non-appearance for exemption has been moved. Only orally learned counsel who represent R-2 & R-3 submits that he has the instruction to appear for R-1 today and undertook to file memo of appearance in due course of the day with further undertaking to file Vakalatnama in due course.

The R-2 & R-3 who has come physically today undertakes to handover the Vehicle Bolero Car/Jeep at the factory premises of the Corporate Debtor by 6:00 P.M. today itself.

RP to make necessary arrangement for taking the custody of the said Vehicle.

The Respondents are directed to remain present physically on the next date of hearing.

IA/251(AHM)2024

This IA/251(AHM)2024 is filed for seeking condonation of delay of 70 days in filing the affidavit in reply dated 18.12.2023 in IA/628(AHM)2023.

We have heard the learned counsel for the R-4 as well as RP. It is seen that vide order dated 31.10.2023 seven days' time was given to the respondents including R-4 to file reply, if any, which was not filed. On 18.12.2023, this Tribunal was not inclined to extend further time for filing reply on behalf of R-1 & R-4. The present IA was filed on 29.01.2024 for condonation of delay along with the Reply.

There is no satisfactory explanation for delay in filing the reply. Therefore, subject to the cost of Rs.25,000/- to be deposited with the **Prime Minister National Relief Fund** within a week, reply is allowed to be taken on record.

In view of the above, IA/251(AHM)2024 in IA/628(AHM)2023 stands disposed off.

IA/628(AHM)2023

Today, along with R-2 & R-3, R-4 are present physically.

Learned counsel for the applicant seeks liberty to file rejoinder which is allowed. Let rejoinder, if any, be filed within a week from the date of the proof of filing of the deposited cost by the learned counsel for the R-4. Personal appearance of the Respondent No.4 is exempted.

IA/1267(AHM)2023 & IA/1280(AHM)2023

It is seen that Respondent No.1 has again not filed any reply to these IAs despite during extended time. Further, no rejoinder has been filed to the already filed reply of R-2 & R-3.

Learned counsel appearing for the Applicant/RP request one week more time to file rejoinder, if any. Let same may be filed within extended period of one week with advance copy to the opposite side.

The Respondents are directed to remain present physically on the next date of hearing.

Relist IA/193(AHM)2023, IA/628(AHM)2023, IA/1267(AHM)2023 & IA/1280(AHM)2023 for further consideration on 15.03.2024.

-Sd-

**SAMEER KAKAR
MEMBER (TECHNICAL)**

-Sd-

**SHAMMI KHAN
MEMBER (JUDICIAL)**