

**NATIONAL COMPANY LAW TRIBUNAL, MUMBAI BENCH**  
**COURT III**

118. I.A. 1075/2024

In

C.P. (IB)-641(MB)/2022

CORAM: MS. LAKSHMI GURUNG, MEMBER (J)  
SH. CHARANJEET SINGH GULATI, MEMBER (T)

ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE NATIONAL  
COMPANY LAW TRIBUNAL ON **29.04.2024**

NAME OF THE PARTIES: Intec Capital Limited

VS

Shivani Flexipack Limited.

**Appearance**

For RP : Adv. Manoj Mishra a/w. Mr. Madan Vaishnawa, RP in  
person

For Respondent : Adv. Hemant Sethi a/w. Adv. Devanshi Sethi & Adv.  
Pravan Shah i/b. Pranav Shah for R-1

SECTION 7 OF THE IBC, 2016

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**ORDER**

**Hearing Through: Virtually and Physical (Hybrid) Mode**

**I.A. 1075/2024**

Reply filed by the Respondent. It is mentioned in the reply that the factory belonging to the corporate debtor at Satara was handed over to Hanuman Credit Co-operative Society and Sangli factory was handed over to M/s. Shivani Roadways and Carriers Private Limited.

The reply lacks significant specific details like date of handing over of the factories of the Corporate Debtor to third parties; who is presently in

possession of the factories and who is controlling the operations of the factories and generating revenues. It is submitted that the respondents are not aware who is in possession of the Sangli and Satara factories and who is running the factories therefore we are constrained to use our power under section 424(2) of the Companies Act, 2013 to summon M/s. Shivani Roadways and Carriers Private Limited and M/s. Hanuman Credit Co-operative Society to appear before us to update the court regarding possession and operation of the factories of the corporate debtor at Satara and Sangli.

In addition, we also appoint **Mr. G Aniruth Purusothaman**, as court commissioner to visit the factories of the corporate debtor at Satara and Sangli and submit detailed report to this court including possession and operation of the factories. The fee of the court commissioner is fixed at Rs. 1,00,000/-. The fee and the travel and other expenses will be borne by the COC. The court commissioner is at liberty to engage photographer to take photos of the site. The RP shall accompany the court commissioner. One representative of RP and one representative of respondent are allowed to be present at the site during the visit of the court commissioner.

We also direct the Superintendent of Police to give police protection, if required.  
List on **27.06.2024**.

Sd/-  
CHARANJEET SINGH GULATI  
Member (Technical)  
---Rajeev---

Sd/-  
LAKSHMI GURUNG  
Member (Judicial)