

**NATIONAL COMPANY LAW TRIBUNAL**  
**MUMBAI BENCH, COURT-II**

**21. IA 4897/2023 IA 330/2024 Contempt Petition/10/2024**  
**In C.P. (IB)/368(MB)2023**

**CORAM:**

**SHRI ANIL RAJ CHELLAN**  
**HON'BLE MEMBER (T)**

**SHRI KULDIP KUMAR KAREER**  
**HON'BLE MEMBER (J)**

**ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE**  
**NATIONAL COMPANY LAW TRIBUNAL ON 16.04.2024**

**NAME OF THE PARTIES:**     **IA 4897/2023 Prashant Jain Vs.**  
  **Kamalkumar Agarwal And Ors.**  
  **IA 330/2024 Mr. Prashant Jain Vs.**  
  **Kamalkumar Agarwal And Ors.**  
  **Contempt Petition/10/2024 Mr.**  
  **Prashant Jain Vs. Kamalkumar**  
  **Agarwal and Ors.**

**IN THE MATTER OF**  
**Axis Bank Limited**

**V/s**

**Supreme Transport Organisation**  
**Private limited**

**Section: 7, 19 (2), 60(5) of Insolvency and Bankruptcy Code, 2016**  
**& Application under any other provisions - IBC**

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**ORDER**

**IA No. 4897/2023**:- Counsel, Himanshu Vidhani and Siddesh Rajput appeared for the Resolution Professional. Adv. Yash Jain appeared for the Suspended Board of Directors of the Corporate Debtor. It has been pointed out by the Counsel for the Resolution Professional that despite directions issued from time to time by this Bench, the Respondents have not handed over effective possession of the Registered Office. It has also been pointed out by the Counsel for the Resolution Professional that vacant possession of Registered Office was given after removing all the material kept in the Registered Office. He has further pointed that the records and other materials

were shifted from Registered Office to Unit No. 32 i.e. 5/B-32, Akshay Mittal Industrial Estate, M.V. Road, Andheri (East), Mumbai- 400059 before handing over possession of Registered Office to Resolution Professional. Since Unit No. 32 also belongs to the Corporate Debtor, the Resolution Professional put a lock on the outer door whereas inside there are locks of the Suspended Board of Directors. Counsel for the Resolution Professional seeks permission to break open the locks installed by the Suspended Board of Directors. In order to prove ownership of the Corporate Debtor on Unit No. 32, the RP has produced copy of Registered agreement for sale dated 17.02.2011 in favour of Corporate Debtor, Share Certificate No. 5 of Akshay Mittal Industrial Premises Co-op. Housing Society Ltd in the name of Corporate Debtor and Electricity Bill No. 101624109824 dated 14.12.2021 in the name of the Corporate Debtor. The Counsel further submitted that Resolution Professional is bound to take charge of all assets of Corporate Debtor after the initiation of CIRP.

Considering the submissions made and the records produced, we grant permission to the Resolution Professional to take control of the said Unit No. 32 after breaking open the locks, if any, put by the Suspended Board of Directors.

It is seen from the record that last opportunity was granted on 06.02.2024 but despite the fact that no reply has been filed by the Respondents. Counsel for the Respondents states at bar that an appeal is pending before the Hon'ble NCLAT against the admission order and some settlement talks are going on between the parties, however, these are not an excuse for non-filing of reply, therefore, the right to file reply on behalf of the Respondents are forfeited.

Since the direction given earlier vide order dated 06.02.2024 have not been complied with, we reiterate and allow the application with a direction to the Respondents to provide all information referred to 4.14 of the application forthwith. **IA No. 4897/2023 is allowed and disposed of** accordingly.

**IA No. 330/2024 and Contempt Petition No. 10/2024**:- Counsel, Himanshu Vidhani and Siddesh Rajput appeared for the Resolution Professional.

It has further been pointed out by the Counsel for the Resolution Professional that the Suspended Board of Directors are trying to sell and take one aircraft i.e. Textron Aviation Inc., United States of America, CESSNA CARAVAN I – 208B, SERIAL NO. 208B2174 out of the country in violation of mortarium. In this regard, Resolution Professional is in the process of filing an additional affidavit. However, Counsel for the Respondents states at bar that the aircraft had been sold before initiation of CIRP but it will not be taken out of the country till the next date of hearing. List the matter on **25.04.2024** for hearing.

**Sd/-**

**ANIL RAJ CHELLAN**  
**Member (Technical)**

16.04.2024  
Sushil

**Sd/-**

**KULDIP KUMAR KAREER**  
**Member (Judicial)**