IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH
(through web-based video conferencing platform)

ITEM No.10
IA Nos.54, 55, 124, 273 & 275 of 2022 in
TP No.01 of 2019 (CP No.125 of 2014)

IN THE MATTER OF:

M/s. Bank of Nova Scotia ... Petitioner
Vs.
M/s. Opto Infrastructure Ltd. ... Respondent

Order under Section 433 of Companies Act, 2013

Order delivered on: 10.11.2022

CORAM:
SH. KISHORE VEMULAPALLI
HON'BLE MEMBER (JUDICIAL)

SH. MANOJ KUMAR DUBEY
HON'BLE MEMBER (TECHNICAL)

PRESENT:
For IAs 273, 275, 54, 55/2022 : Shri Uday Shankar R.M., Adv.
For the Respondent : Proxy Counsel for Shri HL Pradeep

ORDER

IA No.273 of 2022:

1. This application has been filed by the Resolution Professional under Rule 11 of the NCLT Rules, 2016 seeking for speedy disposal of IA No.54 of 2022.
2. Heard Shri Uday Shankar R.M., learned Counsel for the Applicant.
3. For the reasons stated in the Application, the instant **IA No.273 of 2022 is disposed of as infructuous.**

IA No.275 of 2022:

1. This application has been filed by the Resolution Professional under Rule 11 of the NCLT Rules, 2016 seeking for speedy disposal of IA No.55 of 2022.
2. Heard Shri Uday Shankar R.M., learned Counsel for the Applicant.
3. For the reasons stated in the Application, the instant **IA No.275 of 2022 is disposed of as infructuous.**

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IA No.54 of 2022:

1. This application has been filed by the Resolution Professional seeking a direction to the Respondent to refund Rs.35,66,90,800/- due on surrender of lands leased by the Corporate Debtor from the Respondent-KIADB.
2. Heard Shri Uday Shankar R.M., learned Counsel for the Applicant and Proxy Counsel for Shri H.L. Pradeep Kumar, learned Counsel for the Respondent.
3. On 23.09.2022, three weeks' time is granted to the CoC to take a decision as per law prescribed in case of original documents are not traceable. Pursuant to the same, Ld. Counsel for the Applicant-RP has filed an Affidavit vide Diary dt.31.10.2022 producing the CoC Minutes dated 07.10.2022. The same is taken on record.
4. Today, Ld. Proxy Counsel for the Respondent seeks short time as his senior is not available to argue the matter.
5. List the case on **15.12.2022**.

IA No.55 of 2022:

1. This application has been filed by the Resolution Professional seeking a direction to the Respondent to register the cancellation of Lease cum Sale Agreement dt.11.03.2010 and to refund Rs.1,72,28,700/- by the Respondent-KIADB to enable the liquidation process to be concluded.
2. Heard Shri Uday Shankar R.M., learned Counsel for the Applicant and Proxy Counsel for Shri H.L. Pradeep Kumar, learned Counsel for the Respondent.
3. On 23.09.2022, three weeks' time is granted to the CoC to take a decision as per law prescribed in case of original documents are not traceable. Pursuant to the same, Ld. Counsel for the Applicant-RP has filed an Affidavit vide Diary dt.31.10.2022 producing the CoC Minutes dated 07.10.2022. The same is taken on record.
4. Today, Ld. Proxy Counsel for the Respondent seeks short time as his senior is not available to argue the matter.
5. List the case on **15.12.2022**.

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IA No.124 of 2022:

1. This application has been filed by the Resolution Professional seeking to pass an order for liquidation of the Corporate Debtor and to appoint Liquidator etc.
2. Heard Shri Uday Shankar R.M., learned Counsel for the Applicant.
3. In compliance to the order dated 07.04.2022, Ld. Counsel for the RP has filed Compliance Memo *vide* Diary dt.22.04.2022. The same is taken on record.
4. List the case on **15.12.2022**.

-Sd-

MANOJ KUMAR DUBEY
MEMBER (TECHNICAL)

-Sd-

KISHORE VEMULAPALLI
MEMBER (JUDICIAL)

Krishna