

C.P. No.14/GB/2021

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through
Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

Name of the Company: Ms. Azana Rahman & another
V/s
M/s. Mohijuli Tea Company Pvt. Ltd. and others

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. AKHILESH SRIVASTAVA	ADVOCATE	Petitioner	Present in Video
2.	MR. SANDEEP CHAMARIA	ADVOCATE	Respondents	Conference

This matter is taken up for hearing through Video Conferencing. Learned Counsel Mr. Akhilesh Srivastava is appearing for the Petitioners and Mr. Sandeep Chamaria is appearing for the Respondents. Heard both the sides.

This matter is taken up for hearing through Video Conferencing. Learned Counsels Mr. Akhilesh Srivastava, Mr. Akash Sarma and Mr. Abhijit Baruah are

present on behalf of the Petitioners and Mr. Sandeep Chamaria is present on behalf of the Respondents. Heard both the sides.

2. The learned Counsel appearing for the Petitioners has submitted briefly relating to the Petition filed. On the other hand, learned Counsel for the Respondents has submitted briefly countering the present Petition raising the issue of maintainability of the Petition. Both the Petitioners and the Respondents are hereby directed to file their synopsis and reply in the form of an Affidavit within 15 days from today and copy of the same be given to the other side.

3. List the matter on 01.09.2021."

3. The learned Counsel appearing for the Respondents has submitted that he could not file the Affidavit in Reply because of Covid 19 issues. Hence, he has prayed for 15 days' time to file the Affidavit in Reply. Fifteen days' time is granted and the Respondents are directed to file the same within 15 days from today along with synopsis. Copy of the same is to be given to the Petitioner. The Petitioner is at liberty to file rejoinder, if any, within 3 days thereafter.

4. List the matter on 22.09.2021.

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
/Deka-01.09.2021/

Sd/-
(H. V. Subba Rao)
Member (Judicial)

behalf of the Petitioners and Mr. Sandeep Chamaria is present on behalf of the Respondents. Heard both the sides.

2. The learned Counsel appearing for the Petitioners has submitted briefly relating to the Petition filed. On the other hand, learned Counsel for the Respondents has submitted briefly countering the present Petition raising the issue of maintainability of the Petition. Both the Petitioners and the Respondents are hereby directed to file their synopsis and reply in the form of an Affidavit within 15 days from today and copy of the same be given to the other side.

3. List the matter on 01.09.2021."

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4. List the matter on 22.09.2021.

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
/Deka-01.09.2021/

Sd/-
(H. V. Subba Rao)
Member (Judicial)

**IA No.23/GB/2021
IN
C.P. (IB)No.03/GB/2020**

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through
Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

him earlier. On the other hand, the RP has submitted that the Suspended Management / Directors of the CD are not furnishing any other information. Hence, he is not able to provide further information to the Petitioner for preparing Transaction Audit Report. Heard both the sides and the Respondents are hereby directed to co-operate with the RP. The RP is, thereafter, to forward all the information along with copy of the balance sheet to the Petitioner for preparation and filing of the Transaction Audit Report by 27.08.2021.

3. *List the matter on 01.09.2021."*

2. The Petitioner has submitted that he could not proceed further to complete the Transaction Audit for want of documents from the RP and the RP has submitted that the CD and the other related parties are not co-operating and parting with any documents. Hence he is not able to give further papers/documents. He has further submitted that to complete the Transaction Audit and completion of CIRP, the RP needs Tally Data, Books of Accounts, Bank Statements of the Directors, Receipt Book and IT Returns etc., from the CD and other connected persons.

3. On the other hand, the leaned Counsel appearing for the CD has submitted that he may be given 10 days' time to submit all the papers they are having to the RP. The RP is hereby directed to send a detailed letter to the Suspended Management of the CD asking for all the papers which are required by him to complete the CIRP and Transaction Audit Report. The Suspended Directors/Suspended Management are hereby directed to provide all information as called for by the RP without any further delay and on receipt of the papers from the Suspended Directors/Suspended Management, the RP is to handover the required papers/documents to the Transaction Auditor and the Transaction Auditor is to complete the Transaction Audit and submit the Report within 10 days from the date of receipt of the papers from the RP. The Suspended Management/Directors and other Key Officials of the CD are directed to extend full co-operation to the RP, failing which, necessary action may be initiated against them.

4. **List the matter on 22.09.2021.**

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/Deka-01.09.2021/

Sd/-
(H. V. Subba Rao)
Member (Judicial)
& Adjudicating Authority

**IA No.24/GB/2021
IN
C.P. (IB)No.03/GB/2020**

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through
Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. KAMAL AGARWAL	RP	in person	Present in
2.	MS. NEELU JOSHI	ADVOCATE	Respondent-1	Video
3.	MR. BIKASH SARMA	ADVOCATE	CD	Conference

2. *The Petitioner has submitted that both the Respondents are not co-operating and not giving any information/documents to the RP to complete the process. On the other hand, the Respondents have submitted that they are co-operating with the RP. The Respondents are directed to supply the papers required by the RP within 7 days from today for completion of Transaction Audit without further loss of time. If they are not able to supply all papers/information sought for by the RP, they are directed to file an Affidavit to this effect. Copy of the replies to be filed by the Respondents are to be given to the Petitioner.*

3. List the matter on 01.09.2021."

2. The Petitioner has submitted that the Respondents are not co-operating and not giving any information/documents to the RP to complete the process. Hence, the Respondents are hereby once again directed to co-operate with the RP and submit the papers called for, so that CIRP is complete without any further loss of time. Seven days' time is given to the Respondents to submit the papers and file reply. Three days' time is given thereafter to the Petitioner to file rejoinder, if any.

3. List the matter on 22.09.2021.

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/Deka-01.09.2021/

Sd/-
(H. V. Subba Rao)
Member (Judicial)
& Adjudicating Authority

**IA No.25/GB/2021
IN
C.P. (IB)No.03/GB/2020**

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through
Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

Name of the Company: Mr. Kamal Agarwal, RP
V/s
Volkswagen Finance Pvt. Ltd. & others

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. KAMAL AGARWAL	RP	Petitioner	Present in Video Conference
2.	MR. AMIT PAREEK	CS (EX RP)	In Person	
3.	MR. G.P. MADAN	ADVOCATE	EX- RP	
3.	NONE	-	Respondents	

The matter is taken up for hearing through Video Conferencing. Mr. Kamal Agarwal, RP is present in person. No one is present for the Respondents. The Ex-RP Mr. Amit Pareek is present in person, represented by his counsel Mr. G.P. Madan. Heard the parties present.

Page 1 of 2

3. Since this Petition is filed under IBC and time is of essence, all concerned Suspended Directors / Suspended Board are hereby directed to co-operate and submit the papers/documents to the RP so that CIRP is complete and the Resolution Plan is taken up.

4. On the other hand, in regard to the matter related to fees of the ex-RP, the RP has submitted its reply along with the reasons for not admitting certain claims of the ex-RP/other professionals. However, the counsel for the ex-RP has submitted that the fees of the ex-RP and other professionals has been settled with the CoC. Hence, the matter of fees of ex-RP/other professionals is disposed of. The RP is directed to find out a viable Resolution Plan for the CD without further loss of time.

5. List the matter on 22.09.2021.

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/Deka-01.09.2021/

Sd/-
(H. V. Subba Rao)
Member (Judicial)
& Adjudicating Authority

**IA No.26/GB/2021
IN
C.P. (IB)No.03/GB/2020**

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through
Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

Name of the Company: Damani Services
V/s
M/s. Concept Eduventures Pvt. Ltd. & others

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. ARUN KUMAR	CMA	Petitioner	Present in Video Conference
2.	MR. BIKASH SARMA	Advocate	Respondents	

The matter is taken up for hearing through Video Conferencing. The Learned Counsels for the Petitioner Mr. Arun Kumar, CMA is present and Mr. Bikash Sarma is present for the Respondents. Heard both the sides.

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Page 1 of 2

reply from the Respondents and the copy of the same is to be given to the Respondents.

3. List the matter on 01.09.2021."

3. The learned Counsel for the Respondents has requested for another 7 days' time to file Affidavit in Reply. Seven days' time is granted to file the Affidavit in Reply and copy of the same to be sent to the Petitioner. The Petitioner is at liberty to file rejoinder, if any, within 3 days thereafter.

4. List the matter on 22.09.2021.

Sd/-

(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/Deka-01.09.2021/

Sd/-

(H. V. Subba Rao)
Member (Judicial)
& Adjudicating Authority

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

**IA No.37/GB/2021
IN
C.P. (IB)No.03/GB/2020**

Coram:

**Hearing through
Hon'ble Shri H. V. Subba Rao, Member (J):
Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference**

**ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 01.09.2021**

Name of the Company: Mr. Kamal Agarwal, RP
V/s
Manish Soni & others

Section of the Companies Act: Under Section 60(5) of IBC, 2016

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. KAMAL AGARWALA	RP	Petitioner	Present in
2.	MR. MANISH SONI		R -1 in person	Video
3.	MR. VIVEK KUMAR		R -2 in person	Conference
4.	MR. PANKAJ KR. SAHU		R -3 in person	
5.	MR. ARUN KUMAR	ADVOCATE	Respondent No.4	

ORDER

Date of Order: 01.09.2021

The matter is taken up for hearing through Video Conferencing. The Petitioner is present in person and the Respondents No.1, 2, 3 and 5 are present in person. Respondent No. 4 is represented by learned Counsel Mr. Arun Kumar, CMA. Respondents No.6 and 7 are represented by learned Counsel Mr. Bikash Sharma. Heard both the sides.

2. It is appropriate to bring the earlier order passed by this Bench on 13.08.2021:-

"ORDER

Date of Order: 13.08.2021

The matter is taken up for hearing through Video Conferencing. Heard the RP and the Respondents.

2. *The RP is present. Mr. Manish Soni, Mr. Vivek Kumar and Mr. Pankaj Kumar Saha are present.*

3. *The learned RP has submitted that numbers of false allegations have been made against him by the Respondents. He has further submitted that he is of the opinion that there are some understanding amongst the Respondents with the CD as the original petition under section 9 IBC filed by Mr. Manish Soni with ulterior motives for default of a small amount. The Respondents may be proceeded under Section 60(5) of the IBC. On the other hand, the Respondents No.1, 2 and 3 have submitted that they are the Lecturers of the CD and they are having no Lawyers. They had no bad intention. They need 15 days' time to file reply to the Petition. As requested, 15 days' time is granted to them to file their replies. Copy of the same is to be given to the Petitioner. The Petitioner can also file rejoinder, if any, within 3 days from the date of receipt of the replies from the Respondents.*

4. ***List the matter on 01.09.2021."***

3. The Respondents No.1, 2 and 3 have submitted that they are not able to file the Affidavit as they are far away from Guwahati and they may be permitted to file the scanned copy of the Affidavit and to send the same by email followed by original through Speed Post. Permission granted. No reply has been filed by the Respondents No.5, 6 and 7. All the respondents are hereby directed to file their Affidavits/Replies within 7 days from today

4. **List the matter on 22.09.2021.**

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/Deka-01.09.2021/

Sd/-
(H. V. Subba Rao)
Member (Judicial)
& Adjudicating Authority

IA (IBC) No.40/GB/2021
IN
C.P. (IB)No.03/GB/2020

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through
Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

Name of the Company: Mr. Kamal Agarwal, RP
V/s
Gautam Saha & Seven others

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. KAMAL AGARWAL	RP	Petitioner	Present in Video Conference
2.	MR. S. AGARWAL	ADVOCATE	Respondent-6	
3.	MS. NEELU JOSHI	ADVOCATE	Respondent No.3	
4.	MR. BIKASH SHARMA	ADVOCATE	Respondents No.1 & 2	

The matter is taken up for hearing through Video Conferencing. The Petitioner/RP is present in person. Respondents No.1 and 2 are represented by the learned Counsel Mr. Bikash Sharma. Respondent No.3 is represented by learned Counsel Ms. Neelu Joshi. Learned Counsel Mr. S. Agarwal is present on behalf of the Respondent No.6. Respondents No.4, 5, 7 and 8 are not present.

The matter is taken up for hearing through Video Conferencing. Heard the RP and the Respondents. All Respondents are present except Respondents No.4, 5 & 7.

Page 1 of 2

3. *On the other hand, the Petitioner is of the opinion that there are some understanding amongst the Respondents and the original petition under section 9 IBC was filed against the CD with mala fide intention other than the resolution of insolvency of the CD. The Petitioner further submits that he is not getting co-operation and other information /papers from the Respondents. He has prayed for directions of this Hon'ble Bench to the Respondents to comply. All the respondents are present in person except the Respondents No.4, 5 and 7. Heard both the sides. 15 days' time is given to the Respondents to file their replies. Copy of the same is to be given to the Petitioner and the Respondents are at liberty to file their submissions, if any within 3 days from the date of receipt of the replies. The Petitioner is directed to convey the Order of this Bench to the Respondents No.4, 5 and 7 and file compliance report of service of the Order with the Registry.*

3. **List the matter on 01.09.2021."**

3. Heard the learned Counsels present. The Petitioner has submitted that the Respondents are not co-operating in furnishing the papers available with them for completing the CIRP and to find out a Resolution Plan. Respondent No.6 has submitted that he is not connected with the CD. So he may be relieved from the matter. On the other hand, the Petitioner has submitted that the Respondent No.6 is required to submit certain papers with regard to the Books of Accounts of the CD. Since the matter is under IBC, all the Respondents are hereby directed to co-operate with the RP and submit the papers available with them for completion of the CIRP, failing which necessary proceedings may be initiated as per the provisions of IBC. The Petitioner is also directed to convey the next date of hearing to all the Respondents enclosing copy of this order for completion of CIRP without further loss of time.

4. **List the matter on 22.09.2021.**

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/Deka-01.09.2021/

Sd/-
(H. V. Subba Rao)
Member (Judicial)
& Adjudicating Authority