

IA/35/2021
IN
CP (IB)/09/GB/2019

**ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 02.09.2021**

Name of the Company: Mr. Sandeep Khaitian, RP - Applicant
V/s
Stressed Assets Stabilisation Fund
(SASF) and others - Respondents

Section of the Companies Act: Under rule 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. ABHIJIT SARKAR	Advocate	RP/Applicant	Present in Video Conference
2.	MR. PRAFUL JINDAL	Advocate	Respondent	
3.	MR. RITIN ROY	Advocate	R- 1 to 4 and 6	
5.	MR. RISHAV BANERJEE	Advocate	R-7	

ORDER
Date of Order: 02.09.2021

Matter is taken up today for hearing through video conferencing. Heard the learned Counsels appearing for both the sides.

2. The Petitioner has prayed for staying the approval of the Resolution Plan of the CD till the disposal of this Petition. Earlier, the Respondents were given 10 days' time to file their written submission. They have not filed the same till today. They prayed for another 7 days' time. Seven days' time is granted. The Respondents are to file their written submissions within 7 days and given copy of the same to the Petitioner. The Petitioner is at liberty to file rejoinder, if any, within 7 days thereafter.

3. **List the matter on 17.09.2021.**

Sd/-

(Prasanta Kumar Mohanty)
Member (Technical) &
Adjudicating Authority

Sd/-

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

/Deka-02.09.2021/

IA (IBC) No.43 of 2021
IN
C.P. (IB)No.09/GB/2019

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: Piyush Periwal
V/s
Stressed Assets Stabilization Fund (SASF) & others

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. ABHIJIT SARKAR	Advocate	Petitioner	Present in Video Conference
2.	MR. JISHNU SAHA	Advocate	Petitioner	
3.	MR. RITIN ROY	Advocate	R – 1 and 5	
4.	MR. ABHISHEK PRASAD	Advocate	R – 2	
5.	MR. P. SANCHETI	Advocate	R - 3	
6.	MR. RISHAV BANERJEE	Advocate	R - 4	

The matter is taken up for hearing through Video Conferencing. The Petitioner, Mr. Piyush Periwal is represented by the learned Counsels Mr. Abhijit Sarkar and Mr. Jishnu Saha. On the other hand, the Respondents No.1 and 5 are represented by Mr. Ritin Roy. Respondent No.2 is represented by Mr. Abhiehs Prasad. Mr. P. Sancheti, learned Counsel represented the Respondent No.3. Learned Counsel Mr. Rishav Banerjee appeared for the Respondent No.4.

2. In our earlier order dated 16.08.2021, the Respondents were directed to file written submissions within 10 days from that date. The Respondents No.2, 3 and 5

have filed their written submissions and the Petitioner has confirmed that he has received copy of the same. The Respondents No.1 and 4 have requested for 7 days' time to file their written submissions. Seven days' time is granted. Copy of the written submissions be given to the Petitioner. The Petitioner is at liberty to file rejoinder, if any, within 7 days thereafter. Since the Respondents have not filed their written submissions, the matter is adjourned.

3. **List the matter on 17.09.2021.**

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/Deka-02.09.2021/

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

**IA No.14 of 2021
IN
C.P. (IB)No.09/GB/2019**

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: M/s. Dilip Construction Pvt. Ltd.
V/s
Stressed Assets Stabilization Fund (SASF)
And
Sandeep Khaitan, RP

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. ABHIJIT SARKAR	Advocate	Petitioner	Present in
2.	MR. A. PRASAD	Advocate	Respondent/RP	Video
3.	MR. ASHOK TIBREWAL	CA AND CS	Respondent/RP	Conference
4.	MR. RITIN ROY	Advocate	CoC	

The matter is taken up for hearing through Video Conferencing. The learned Counsel for the RP has clarified the basis on which the petitioners claim has been categorised as Operational Creditor instead of Financial Creditor, referring to the Journal Entries done on 01.07.2019. On the other hand, the Petitioner has also clarified that they need to be classified as Financial Creditor on the basis of the balance sheet of its own.

3. **Matter is reserved for orders.**

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