

**IA No.49 of 2021
IN
C.P. (IB)No.08/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: Sandeep Khaitan, IRP
V/s
Shwet Agarwal and Another

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. ABHISHEK PRASAD	Advocate	Petitioner	Present in Video
2.	MR. HEMAN DAS	Advocate	Respondent	Conference

Date of Order: 16.09.2021

2. The learned Counsel appearing for the RP has submitted that the Suspended Management / Directors have extended co-operation and submitted some papers after filing of this IA. He has prayed for keeping the IA pending for 15 days. The Suspended Management / Directors are hereby directed to co-operate the RP so that CIRP is completed in time.

3. **List the matter on 06.10.2021.**

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

IA (IBC) No.50 of 2021
IN
C.P. (IB)No.07/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: Rishikesh Datta
V/s
Amit Pareek

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. D. SRIVASTAVA	Advocate	Petitioner	Present in Video Conference
2.	MR. BHATRA	Advocate	Petitioner	
3.	MR. AMIT PAREEK	RP	Respondent in person	

The matter is taken up for hearing through Video Conferencing. Heard the learned Counsels appearing for the Petitioner and the Respondent at length. They are given 7 days' time to file written submission in 4-5 pages, if any, giving copy of the same to the other side.

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/Deka-16.09.2021/

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

IA (IBC) No.51 of 2021
IN
C.P. (IB)No.07/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: Rishikesh Datta
V/s
Amit Pareek

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. D. SRIVASTAVA	Advocate	Petitioner	Present in Video
2.	MR. AMIT PAREEK	CS	RP in person	Conference

The matter is taken up for hearing through Video Conferencing. Heard the learned Counsels appearing for the Petitioner and the Respondent at length. They are given 7 days' time to file written submission in 4-5 pages, if any, giving copy of the same to the other side.

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/D-16.09.2021/

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

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI

C.P. (IB)No.13/GB/2021

Coram:

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through
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 16.09.2021**

Name of the Company: Kishan Kumar Daga
V/s
Siang Tea and Industries Pvt. Ltd.

Section of the Companies Act: Under Section 9 of Insolvency and Bankruptcy Code,
2016

S. NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.	MR. ARUN KUMAR	CMA	Petitioner	Present in Video
2.	MR. MANJIT BALI	Advocate	Respondent	Conference

ORDER
Date of Order: 16.09.2021

This matter is taken up through Video Conferencing. The learned Counsels Mr. Arun Kumar, CMA appeared on behalf of the Petitioner and Mr. Manjit Bali appeared on behalf of the Respondent. Heard both the sides at length.

2. The Petitioner could not clarify with regard to the amount due and date of default. On the other hand, the learned Counsel for the Respondent has stated that demand notice was issued during Covid 19 period. Seven days' time is given to both the sides to file written submissions in 4-5 pages, if any. They have to exchange the copy of the same with each other.

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

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/Deka-16.09.2021/

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

Coram:

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through
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 16.09.2021

Name of the Company: M/s. Tata Hitachi Construction Machinery Co. Pvt. Ltd.
V/s
M/s. Berial Engineers Pvt. Ltd.

Section of the Companies Act: Under Section 8 & 9 of Insolvency and Bankruptcy Code, 2016

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. VIJAY NATH JHA	Advocate	Petitioner	Present in Video
2.	NONE	-	Respondent	Conference

ORDER

Date of Order: 16.09.2021

This matter is taken up through Video Conferencing. Learned Counsel Mr. Vijay Nath Jha is present on behalf of the Petitioner. No one is present on behalf of the Respondent.

2. During the proceedings, the learned Counsel appearing for the Petitioner has requested that his client desires to pursue the matter and he may be allowed to serve notice to the Respondent by way of substitute service through News Paper publication. The Petitioner is allowed for substitute service of notice upon the Respondent through publication in Two Daily News Papers one in English and the other in Vernacular Language published from Guwahati by giving 14 days clear notice before the next date of hearing. Publication is to be within 10 days from today and the Petitioner is to file copy of the News Paper publication before the Registry within 3 weeks.

3. **List the matter on 28.10.2021.**

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

/Deka-16.09.2021/

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

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: Akansha Tea Plantation & Trading Company Pvt. Ltd.
V/s
Registrar of Companies, NER, Guwahati

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. M. K. BORDOLOI	Advocate	Petitioner	Present in Video
2.	NONE	-	Respondent	Conference

This matter is taken up through Video Conferencing. Learned Counsel Mr. M. K. Bordoloi appearing on behalf of the Petitioner has submitted that copy of the Petition has been given to the ROC. The ROC has not filed any reply till date. However, in the interest of justice, Ten days' time is given to the ROC to file submission/ report, if any. The Petitioner is directed to send the copy of today's order to the ROC within 5 days from today.

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
/Deka-16.09.2021/

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

CA (AA)/12/2021

Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

**IA No.10 OF 2021
IN
C.P. (IB) No.37/GB/2019**

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. PRANAY AGARWAL	Advocate	Petitioner / RP	Present in Video Conference
2.	MR. S. DUTTA	Advocate	CoC	
3.	MR. RAMESH KUMAR	Zonal Manager	BOI, NER in person	
4.	MR. PRADEEP KR. GOENKA	RP in person		
5.	MR. RAKESH DUBEY	Advocate	Respondent	

clear on what basis the Resolution has been passed by the CoC and the Application for liquidation is filed before this Bench rejecting the Resolution Plan for MSME Unit submitted by the CD when the amount provided in the Resolution Plan submitted is more than Twenty (20) times of the Liquidation Value of the CD. It is further reported that there are certain issues like a Suit filed by the CD, a Writ pending before the Hon'ble High Court, FIR filed with an Investigating Agency, report to RBI etc. It is also not clear whether the Resolution Plan submitted by the CD is not approved by the CoC on account of such issues when such issues are apparently not related to acceptance of the Resolution Plan and rescue of the Stressed Assets with its employees from the Liquidation. It is made clear that the objectives of the IBC are very clear and liquidation of a MSME Unit is the last resort. Hence, CoC needs to clarify those points. The learned Counsel appearing for the CoC has sought two days' time to clarify the points.

3. List the matter on 09.09.2021."

3. The CoC / FC (sole Member) has appeared in person and submitted that it is the Commercial Decision of the CoC to go for the liquidation but he has not clarified whether it is a Commercial Decision / Wisdom of the CoC to go for liquidation of a MSME Unit, when the Suspended Management of the CD has offered Resolution Plan worth more than 20 times of the liquidation value. Liquidation is the last resort and IBC process must not be allowed to be misused.

4. During the proceedings, the RP present in person has submitted that the plan submitted by the Suspended Management itself does not come under the Section 29A of IBC. He has conveyed the same to the CoC. On the other hand, the learned Counsel appearing for the Suspended Management has submitted that they have filed an Affidavit in this regard. The learned Counsel appearing for the CoC has submitted that the CoC has not received the copy of the reply Affidavit filed by the Suspended Management and he is not aware of about the views of the RP on the Resolution Plan submitted. He has prayed for some time to come with all details on the plan.

5. Heard both the sides at length. The RP is directed to file a copy of the CoC proceedings / about his views on the Resolution Proposal relating to Section 29A of IBC within 3 days from today. The Suspended Management is directed to send a copy of the Affidavit reply filed to the CoC/RP as prayed for by them.

6. List the matter on 05.10.2021.

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/D- 16.09.2021/

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