NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI

C.P. (IB)No.15/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 08.09.2021

Name of the Company: Bank of Baroda
V/s
Mr. Tashering Pintso Bhutia

Section of the Companies Act: Under Section 95 of Insolvency and Bankruptcy Code, 2016

S. NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.	MR. AVISHEK GUHA	Advocate	Petitioner	Present in Video
2.	MR. SANJIT KUMAR NAYAK	RP in person		Conference
3.	NONE	-	Respondent	

O R D E R
Date of Order: 08.09.2021

The matter is taken up for hearing through video conferencing. Learned Counsel appearing for the Petitioner Mr. Abhishek Guha has submitted that as per earlier direction of this Bench vide Order dated 17.08.2021, the notice has been served through publication in "The Financial Express" [English newspaper] on 20.08.2021 having wide publicity in Assam as well as in Sikkim. Copies of the News Paper have been submitted to the Registry and the same may please be kept on record. The same is taken on record. The learned Counsel has submitted that Notice was given to the Respondent through News Paper giving clear 10 days' time to appear before the Hon'ble Tribunal today i.e. 08.09.2021 but the Respondent is not appearing deliberately. Even the officials of the FC are not able to meet him as the Respondent is avoiding. The learned Counsel has prayed for admission of the Application.

2. **It is observed that clear 10 days' time was given to the Respondent to appear before this Tribunal today. Eighteen days have since been passed between the date of publication of the Notice through the News Paper and the date of hearing today.**

3. This application has been filed by the FC –Bank of Baroda through the Resolution Professional Shri Sanjit Kumar Nayak under Section 95 of the IBC, 2016. It has been stated by the Applicant that –

(i) The Applicant Bank had granted term loan facility (Term Loan-I) to the Respondent with limit of Rs.10,33,00,000.00 (Rupees Ten crores Thirty Three lacs) only in favour of M/s. Blue Fern Ventures Pvt. Ltd. (Corporate Debtor – in Liquidation), in terms of the sanction letter dated 09.11.2010. Subsequently, Term Loan Facility was extended to Rs.28,94,00,000.00 (Rupees Twenty Eight crores Ninety Four lacs) only. The credit facilities continued to be revised and extended from time to time till 2016. Lastly, the credit facilities were revised and extended through sanction letter dated 06.02.2016. The aforesaid credit facilities were secured in favour of the Creditor, the secured assets are more fully described in the sanction letters, demand notice dated 18.01.2017 being Section 13(2) notice under the SARFAESI Act, 2002, Form-D **under Regulation 18 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 and Letters of Guarantee / Guarantee annexed herewith to this application.**

(ii) **For the purpose of securing the credit facilities, the Respondent Mr Tshering Bhutia and one Mrs. Ongmu Bhutia , another personal guarantor executed letters of guarantees, all dated 12.06.2013.**

(iii) **The Corporate Debtor failed to operate the accounts in accordance with the terms and conditions on which the said credit facilities were granted and committed defaults in payment and in spite of requests and negotiations, the**

Corporate Debtor did not regularize the account with the Applicant. The Corporate Debtor started to commit default in repaying the instalments as well the interests.

(iv) **The account of the Corporate Debtor was finally classified as Non-Performing Asset (NPA) on 30.11.2016 and a notice under Section 13(2) of the SARFAESI Act, 2002 was issued by the Applicant Bank on 18.01.2017.** The Respondent, the Corporate Debtor and the Guarantors, not having repaid it's dues within the statutory time frame of 60 days, the Applicant Bank proceeded further by issuing Possession Notice dated 16.01.2018 under the provisions of the Act. The Applicant Bank also took action under Section 19 of the RDDBFI Act, 1993 against the Corporate Debtor and the Personal Guarantors before the learned Debts Recovery Tribunal, Guwahati which was subsequently transferred to the learned Debts Recovery Tribunal, Siliguri, renumbered TOA/1208/2018. The matter is pending before the learned Tribunal.

(v) **The erstwhile Dena Bank, now Bank of Baroda, Applicant Bank/Creditor initiated steps against the Corporate Debtor by filing an application under Section 7 of the Insolvency and Bankruptcy Code, 2016, being C.P.(IB) No.5/GB/ 2018. An order of CIRP against the Corporate Debtor was passed by the Hon'ble National Company Law Tribunal, Guwahati against the Corporate Debtor vide order dated 21.12.2018. An order of liquidation was passed against the Corporate Debtor vide order dated 06.09.2019. The Applicant Bank being Financial Creditor has submitted its claim first through Form C under Regulation 8 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 and subsequently through Form D under Regulation 18 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 before the**

Learned Resolution Professional and Learned Liquidator respectively.

(vi) **The Personal Guarantor to the Corporate Debtor, including respondent herein, was duly served by the Applicant a statutory notice dated 08.09.2020 vide Form B, under the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process of Personal Guarantors to Corporate Debtors) Rules, 2019, requesting him to make the requisite payment to the Applicant Bank. Despite receipt of the notice, the Respondent has neither made any payment nor reverted to the same. The Applicant under such circumstances is filing the present applicant seeking insolvency resolution process against the Respondent by virtue of the being the Personal Guarantor to the Corporate Debtor.**

4. In support of that, the Applicant has filed the following documents:-

Sr.No.	Particulars	Annexure	Page
1	A copy of sanction letter dated 06.02.2016	A1	29-32
2	A copy of the order admitting CIRP against the Corporate Debtor passed by NCLT, Guwahati dated 21.12.2018 passed in CP(IB) No.5/GB/2018	A2	33-37
3	A copy of the liquidation order passed by NCLT, Guwahati dated 06.09.2019 passed in IA 62/2019 in CP(IB) No.05/GB/2018	A3	38-43
4	A copy of the last order dated 17.03.2021 passed by Ld. Debts Recovery Tribunal, Siliguri in TOA 1208 of 2018 along with a copy of the case status report	A4	44-46
5	Letters of Guarantee dated 12.06.2013 in order to guarantee the repayment of sanctioned loan facility to the extent of Rs.28,94,00,000.00 (Rupees Twenty Eight Crores Ninety Four lacs) only, plus unpaid interest, other charges and costs till full and final repayment executed by Mr. Tshering Pintso Bhutia and one Mrs. Ongmu Bhutia,	A5	47-78

	jointly and severally.		
6	A copy of the notice under Section 13(2) of the SARFAESI Act, 2002 dated 18.01.2017 issued by the Applicant Bank	A6	79-80
7	Statement of Account as on 13,.01.2021 evidencing transactions between the Bank and the Corporate Debtor	A7	81-84
8	Notice vide Form B under the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process of Personal Guarantors to Corporate Debtors) Rules, 2019 dated 08.09.2020 sent by the Applicant Bank/Creditor to the Personal Guarantors along with the postal receipt and delivery report.	A8	85-87
9	Claim filed by the Applicant Bank before the Learned Liquidator vide Form D under Regulation 18 of the Insolvency and Bankruptcy Board of India(Liquidation Process) Regulations, 2016.	A9	88-90
10	Copy of Certification of Registration and Form B being Authorization for Assignment of Mr. Sanjit Kumar Nayak, the Insolvency Professional	A10	91-92
11	Copy of Power of Attorney of Mr. Gaurishankar Bhaiya dated 26.10.2012 along with copy of Board Resolution dated 14.11.2017 of the Applicant Bank	A11	93-102
12.	Vakalatnama		

5. Heard the learned Counsel at length and we observe that the Applicant has filed necessary documents to prove about the debts owed by the Debtors to the Financial Creditor submitting the application for insolvency resolution process as on date of the application, the failure by the Debtors to pay within a period of fourteen days of the service of the notice of demand and relevant evidence of the default failure. We further observe that:

(i) The Respondent here is the Guarantor to the CD M/s. Blue Fern Ventures Pvt. Ltd.

(ii) Application is filed by the FC through the Resolution Professional Shri Sanjit Kumar Nayak.

(iii) The Application filed by the FC through the RP, shows that the Debt owed by the Respondent to the FC is more than Rs.1.00 Crore.

(iv) The matter was taken up earlier on 17.08.2021. The Respondent is not appearing in spite of 14 days' Notice, between the date of publication in the News Papers to the date of hearing, was made given to the Respondent through News Paper published on 20.08.2021 and

(v) Evidence of default has been filed.

6. Considering the materials / papers filed by the Applicant on record, the Application filed under Section 95 of IBC is found to be complete for the purpose of appointing the Resolution Professional under Section 97 of IBC, 2016.

7. **Hence, the Resolution Professional Shri Sanjit Kumar Nayak, Professional Membership No.ICA/N/0079 and IBBI Registration No.IBBI/A003/IP-N0079/2017-18/10702, resident of Harmohan Ghosh Lane, "Suryadeep", Flat-2B, Beliaghata, Kolkata – 700085, Email address sknayak31@gmail.com, contact number 9932002234 is hereby appointed as Resolution Professional. The RP is to file the Assignment Declaration within 2 (two) days from today with the Registry**.

8. The Resolution Professional is directed to transact the proceedings with dedication, sincerity, honesty and strictly in accordance with the provisions under Section 99 of IBC and Regulations of IBBI. The Resolution Professional :

(1) **Shall examine the application referred to in Section 95 of the IBC Code, 2016 within ten days of his appointment, and submit a report to the Adjudicating Authority recommending for approval or rejection of the application**.

(2) The Resolution Professional may require the debtor to prove repayment of the debt claimed as unpaid by the creditor by furnishing –

(a) Evidence of electronic transfer of the unpaid amount from the bank account of the debtor;

(b) Evidence of encashment of a cheque issued by the debtor; or

(c) A signed acknowledgment by the creditor accepting receipt of dues.

(3) Where the debt for which an application has been filed by the creditor is registered with the information utility, the debtor shall not be entitled to dispute the validity of such debt.

(4) For the purpose of examining an application, the Resolution Professional may seek such further information or explanation in connection with the application as may be required from the debtor or the creditor or any other person who, in the opinion of the Resolution Professional may provide such information.

(5) The person from whom information or explanation is sought under sub-section (4) shall furnish such information or explanation within seven days of receipt of the request.

(6) The Resolution Professional shall examine the application and ascertain that –

(a) The application satisfies the requirements set out in section 95;

(b) The applicant has provided information and given explanation sought by the Resolution Professional under sub-section (4).

(7) **After examination of the application under sub-section (6), he may recommend acceptance or rejection of the application in his report**.

(8) The Resolution Professional shall record the reasons for recommending the acceptance or rejection of the application in the report under sub-section (7).

(9) The Resolution Professional shall give a copy of the report under sub-section (7) to the creditor.

9. **List the matter on 22.09.2021 for perusal of the Report of the RP and further proceedings ,if any.**

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

/D/08.09.2021/

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI

C.P. (IB)No.16/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 08.09.2021

Name of the Company: Bank of Baroda
V/s
Ms. Ongmu Bhutia

Section of the Companies Act: Under Section 95 of Insolvency and Bankruptcy Code, 2016

S. NO.	**NAME (CAPITAL LETTERS)**	**DESIGNATION**	**REPRESENTATION**	**SIGNATURE**
1.	MR. AVISHEK GUHA	Advocate and Shri Sanjit Nayak RP	Petitioner	Present in Video Conference
2.	NONE	-	Respondent	

O R D E R
Date of Order: 08.09.2021

The matter is taken up for hearing through video conferencing. Learned Counsel appearing for the Petitioner Mr. Abhishek Guha has submitted that as per earlier direction of this Bench vide Order dated 17.08.2021, the notice has been served through publication in "The Financial Express" [English newspaper] on 20.08.2021 having wide publicity in Assam as well as in Sikkim. Copies of the News Paper have been submitted to the Registry and the same may please be kept on record. The same is taken on record. The learned Counsel has submitted that Notice was given to the Respondent through the News Paper Publication giving clear 10 days' time to appear before the Hon'ble Tribunal today i.e. 08.09.2021 but the Respondent is not appearing deliberately. Even the officials of the FC are not able to meet him as the Respondent is avoiding. The learned Counsel has prayed for admission of the Application.

2. **It is observed that clear 10 days' time was given to the Respondent to appear before this Tribunal today. Eighteen days have since been**

passed between the date of publication of the Notice through the News Paper and the date of hearing today.

3. This application has been filed by the FC –Bank of Baroda through the Resolution Professional Shri Sanjit Kumar Nayak under Section 95 of the IBC, 2016. It has been stated by the Applicant that –

(i) The Applicant Bank had granted term loan facility (Term Loan-I) with limit of Rs.10,33,00,000.00 (Rupees Ten crores Thirty Three lacs) only in favour of M/s. Blue Fern Ventures Pvt. Ltd. (Corporate Debtor – in Liquidation), in terms of the sanction letter dated 09.11.2010. Subsequently, Term Loan Facility was extended to Rs.28,94,00,000.00 (Rupees Twenty Eight crores Ninety Four lacs) only. The credit facilities continued to be revised and extended from time to time till 2016. Lastly, the credit facilities were revised and extended through sanction letter dated 06.02.2016. The aforesaid credit facilities were secured in favour of the Creditor, the secured assets are more fully described in the sanction letters, demand notice dated 18.01.2017 being Section 13(2) notice under the SARFAESI Act, 2002, Form-D **under Regulation 18 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 and Letters of Guarantee / Guarantees annexed herewith to this application.**

(ii) **For the purpose of securing the credit facilities, the Respondent Mrs. Ongmu Bhutia and one Mr. Tshering Pintso Bhutia, another personal guarantor executed letters of guarantees, all dated 12.06.2013.**

(iii) **The Corporate Debtor failed to operate the accounts in accordance with the terms and conditions on which the said credit facilities were granted and committed defaults in payment and in spite of requests and negotiations, the Corporate Debtor did not regularize the account with the Applicant. The Corporate Debtor started to commit default in repaying the instalments as well the interests.**

(iv) **The account of the Corporate Debtor was finally classified as Non-Performing Asset (NPA) on 30.11.2016 and a notice under Section 13(2) of the SARFAESI Act, 2002 was issued by the Applicant Bank on 18.01.2017.** The Respondent, the Corporate Debtor and other Guarantor, not having repaid it's dues within the statutory time fame of 60 days, the Applicant Bank proceeded further by issuing Possession Notice dated 16.01.2018 under the provisions of the Act. The Applicant Bank also took action under Section 19 of the RDDBFI Act, 1993 against the Corporate Debtor and the Personal Guarantors before the learned Debts Recovery Tribunal, Guwahati which was subsequently transferred to the learned Debts Recovery Tribunal, Siliguri, renumbered TOA/1208/2018. The matter is pending before the learned Tribunal.

(v) **The erstwhile Dena Bank, now Bank of Baroda, Applicant Bank/Creditor initiated steps against the Corporate Debtor by filing an application under Section 7 of the Insolvency and Bankruptcy Code, 2016, being C.P.(IB) No.5/GB/ 2018. An order of CIRP against the Corporate Debtor was passed by the Hon'ble National Company Law Tribunal, Guwahati against the Corporate Debtor vide order dated 21.12.2018. An order of liquidation was passed against the Corporate Debtor vide order dated 06.09.2019. The Applicant Bank being Financial Creditor has submitted its claim first through Form C under Regulation 8 of the Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 and subsequently through Form D under Regulation 18 of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 before the Learned Resolution Professional and Learned Liquidator respectively.**

(vi) **The Personal Guarantors to the Corporate Debtor, including respondent herein, was duly served by the Applicant a statutory notice dated 08.09.2020 vide Form B, under the Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process of Personal Guarantors to Corporate Debtors) Rules, 2019, requesting him to make the requisite payment to the Applicant Bank. Despite receipt of the notice, the Respondent has neither made any payment nor reverted to the same. The Applicant under such circumstances is filing the present applicant seeking insolvency resolution process against the Respondent by virtue of the being the Personal Guarantor to the Corporate Debtor.**

4. In support of that, the Applicant has filed the following documents:-

Sr.No.	Particulars	Annexure	Page
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5	Letters of Guarantee dated 12.06.2013 in order to guarantee the repayment of sanctioned loan facility to the extent of Rs.28,94,00,000.00 (Rupees Twenty Eight Crores Ninety Four lacs) only, plus unpaid interest, other charges and costs till full and final repayment executed by Mr. Tshering Pintso Bhutia and one Mrs. Ongmu Bhutia, jointly and severally.	A5	47-78
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	issued by the Applicant Bank		
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10	Copy of Certification of Registration and Form B being Authorization for Assignment of Mr. Sanjit Kumar Nayak, the Insolvency Professional	A10	91-92
11	Copy of Power of Attorney of Mr. Gaurishankar Bhaiya dated 26.10.2012 along with copy of Board Resolution dated 14.11.2017 of the Applicant Bank	A11	93-102
12.	Vakalatnama		

5. Heard the learned Counsel at length and we observe that the Applicant has filed necessary documents to prove about the debts owed by the Debtor to the Creditor submitting the Application for Insolvency Resolution Process as on the date of application, the failure by the Debtor to pay the within a period of fourteen days of the service of the notice of demand and relevant evidence of such default or non-repayment of debt We further observe that:

(i) The Respondent is the Guarantor to the CD M/s. Blue Fern Ventures Pvt. Ltd.

(ii) Application is filed by the FC through the RP Shri Sanjit Kumar Nayak

(iii) The Application filed by the FC through the RP, shows that the Debt owed by the Respondent to the FC is more than Rs.1.00 Crore.

(iv) The matter was taken up earlier on 17.08.2021. The Respondent is not appearing in spite of 14 days' Notice given to the Respondent through News Paper published on 20.08.2021 and

(v) Evidence of default has been filed.

6. Considering the materials / papers filed by the Applicant on record, the Application filed under Section 95 of IBC is found to be complete for the purpose of appointing the Resolution Professional under Section 97 of IBC, 2016.

7. **Hence, the Resolution Professional Shri Sanjit Kumar Nayak, Professional Membership No.ICA/N/0079 and IBBI Registration No.IBBI/A003/IP-N0079/2017-18/10702, resident of Harmohan Ghosh Lane, "Suryadeep", Flat-2B, Beliaghata, Kolkata – 700085, Email address sknayak31@gmail.com, contact number 9932002234 is hereby appointed as Resolution Professional. The RP is to file an Assignment Declaration within 2 (two) days from today with the Registry.**

8. The Resolution Professional is directed to transact the proceedings with dedication, sincerity, honesty and strictly in accordance with the provisions under Section 99 of IBC and Regulations of IBBI. The Resolution Professional :

(1) Shall examine the application referred to in Section 95 of the IBC Code, **2016 within ten days of his appointment, and submit a report to the Adjudicating Authority recommending for approval or rejection of the application**.

(2) The Resolution Professional may require the debtor to prove repayment of the debt claimed as unpaid by the creditor by furnishing –

(a) Evidence of electronic transfer of the unpaid amount from the bank account of the debtor;

(b) Evidence of encashment of a cheque issued by the debtor; or

(c) A signed acknowledgment by the creditor accepting receipt of dues.

(3) Where the debt for which an application has been filed by a creditor is registered with the information utility, the debtor shall not be entitled to dispute the validity of such debt.

(4) For the purpose of examining an application, the Resolution Professional may seek such further information or explanation in connection with the application as may be required from the debtor or the creditor or any other person who, in the opinion of the Resolution Professional may provide such information.

(5) The person from whom information or explanation is sought under sub-section (4) shall furnish such information or explanation within seven days of receipt of the request.

(6) The Resolution Professional shall examine the application and ascertain that –

(a) The application satisfies the requirements set out in section 95;

(b) The applicant has provided information and given explanation sought by the Resolution Professional under sub-section (4).

(7) After examination of the application under sub-section (6), he may **recommend acceptance or rejection of the application in his report**.

(8) The Resolution Professional shall record the reasons for recommending the acceptance or rejection of the application in the report under sub-section (7).

(10) The Resolution Professional shall give a copy of the report under sub-section (7) to the creditor.

9. **List the matter on 22.09.2021 for perusal of the Report of the Resolution Professional and further proceedings, if any.**

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

/D-08.09.2021/

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI

Cont. Application No.1/2021
IN
T.P.No.25/397/398/GB/2016

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 08.09.2021

Name of the Company: Deba Kumar Hazarika & Others
V/s
Assam Chemical & Pharmaceutical Pvt. Ltd. & Ors.

Section of the Companies Act: Under Section 425 of the Companies Act, 2013

S. NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.	MR. A. K. SRIVASTAVA	Advocate	Petitioners	Present in
2.	MR. AKASH SHARMA	Advocate	Petitioners	Video
3.	MR. FAHAD AFRIDI	Advocate	R-1,2,4,5,6,8,9 &10	Conference
4.	MR. A. DHAR	Advocate	Respondents	

O R D E R
Date of Order: 08.09.2021

Matter is taken up today for hearing through video conferencing.

2. **The matter was earlier taken up on 22.02.2021, 04.05.2021 and 17.08.2021. It is confirmed that the copy of the Petition has been given to all the Respondents.**

3. Heard both the sides at length.

4. Both the Petitioners and the Respondents are at liberty to file short submissions in 5/7 pages, if any, within 15 days from today.

5. **Matter is reserved for orders.**

Sd/-
(**Prasanta Kumar Mohanty)**
Member (Technical)

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

/D-08.09.2021/

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI

C.P.No.10/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 08.09.2021

Name of the Company: Deba Kumar Hazarika & Others
V/s
Assam Chemical & Pharmaceutical Pvt. Ltd. & Ors.

Section of the Companies Act: Under Section 241/242 of the Companies Act, 2013

S. NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.	MR. A. K. SRIVASTAVA	Advocate	Petitioners	Present in
2.	MR. AKASH SHARMA	Advocate	Petitioners	Video
3.	MR. RATNAKO BANERJEE	Sr Advocate	Respondents-1 to 8	Conference
4.	MR. FAHAD FARIDI	Advocate	Respondents	
5.	MR. NIRMALYA DASGUPTA	Advocate	Respondents	
6.	MS. POMPY MEDHI	Advocate	Respondents- 10	
7.	MR. A. DHAR	Advocate	Respondents	

O R D E R
Date of Order: 08.09.2021

Matter is taken up today for hearing through video conferencing.

2. The matter was earlier taken up on 22.02.2021, 04.05.2021 and 17.08.2021. It is confirmed that the copy of the Petition has been given to all the Respondents.

3. Heard both the sides at length.

4. Both the Petitioners and the Respondents are at liberty to file short submissions in 5/7 pages, if any, within 15 days from today.

5. **Matter is reserved for orders.**

Sd/- **Sd/-**
(**Prasanta Kumar Mohanty**) **(H. V. Subba Rao)**
Member (Technical) **Member (Judicial)**

/D-08.09.2021/

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI

IA (Comp. Act) 1/2021
IN
C.P.No.10/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 08.09.2021

Name of the Company: Assam Chemical & Pharmaceutical Pvt. Ltd. & Ors.
Versus
Deba Kumar Hazarika & Ors.

Section of the Companies Act: Under Rule 11 of NCLT Rules, 2016

S. NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.	MR. D. GOSWAMI	Advocate	Applicants	Present in Video
2.	MR. A. K. SRIVASTAVA	Advocate	Respondents	Conference

O R D E R
Date of Order: 08.09.2021

Matter is taken up today for hearing through video conferencing. It is confirmed that the copy of the Petition has been given to all the Respondents.

2. The matter was earlier taken up on 3.09.2021. Heard both the sides at length.

3. Both the Applicants and the Respondents are at liberty to file short submissions in 5/7 pages, if any, within 15 days from today.

4. **Matter is reserved for orders.**

Sd/-
(**Prasanta Kumar Mohanty)**
Member (Technical)

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

/D-08.09.2021/

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI

TP NO.16/GB/2016
IN
CP NO.106 OF 2014

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 08.09.2021

Name of the Company: Shital Jain & others
V/s
Saroj Realtors & Developers Pvt. Ltd. & ors.

Section of the Companies Act: Under Section 235, 210, 397, 398, 399, 402, 403, 406 & 407 of Companies Act, 2013.

S. NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.	MR. ARINJOY SANDILYA	Advocate	Petitioners	Present in Video
2.	MR. SANTANU BORA	Advocate	Respondents	Conference

O R D E R
Date of Order: 08.09.2021

This matter is taken up through Video Conferencing. Heard the learned Counsels appearing for both the sides.

2. The learned Counsel appearing on behalf of the Respondents has submitted that it has filed its reply to the Synopsis filed by the Petitioners. The learned Counsel appearing for the Petitioners has confirmed that the same has been received by the Petitioners but yesterday only. Hence, he needs some time to file reply. The Petitioners are at liberty to file their reply, if any, within 10 days from today. Copy of the same is to be given to the Respondents.

3. **List the matter on 22.09.2021.**

Sd/-
(**Prasanta Kumar Mohanty)**
Member (Technical)

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

/D-08.09.2021/

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI

IA NO.15/GB/2019
IN
TP No.16/GB/2016
IN
CP NO.106 OF 2014

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 08.09.2021

Name of the Company: Saroj Realtors & Developers Pvt. Ltd. & ors
V/s
Shital Jain & others

Section of the Companies Act: Under Rule 11 of NCLT Rules, 2016

S. NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.	MR. SANTANU BORA	Advocate	Petitioners	Present in Video
2.	MR. ARINJOY SANDILYA	Advocate	Respondents	Conference

O R D E R
Date of Order: 08.09.2021

In view of the order passed in the Main Petition TP No.16/GB/2016, this matter is adjourned.

2. List the matter on 22.09.2021 along with the Main Petition.

Sd/-
(**Prasanta Kumar Mohanty)**
Member (Technical)

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

/D-08.09.2021/

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI

MA (IBC) No.2/GB/2021
IN
C.P. (IB)No.20/GB/2017

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 08.09.2021

Name of the Company: Assam Company India Ltd.
V/s
Principal Chief Commissioner of Income Tax Department and others

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

S. NO.	NAME (CAPITAL LETTERS)	DESIGNATION	REPRESENTATION	SIGNATURE
1.	MR. A. GAGGAR	Advocate	Petitioner	Present in Video
2.	MR. SANJAY SHARMA	Advocate	R- 3 & 4	Conference

O R D E R
Date of Order: 08.09.2021

The matter is taken up for hearing through Video Conferencing. The Learned Counsel for the Petitioner Mr. A. Gaggar is present. Learned Counsel Mr. Sanjay Sharma is present for the Respondents No.3 and 4.

2. The learned Counsel for the Respondents has submitted that it has filed its reply. The learned Counsel for the Petitioner has submitted that the reply filed by the Respondents is yet to be received by the Petitioner and hence he wants 7 days' time to file rejoinder. The Petitioner is at liberty to file rejoinder within 7 days and the copy of the same is to be given to all Respondents.

3. The Respondents are at liberty to file their sur-rejoinder, if any, within 15 days from today clarifying the exact period / computation relating to its claims made in the notice issued. The learned Counsel appearing for the Respondents No.3 and 4 and the Petitioner are directed to convey the next date of hearing to the Respondents No.1 and 2 enclosing the copy of this order for their reply, if any, within 15 days from today.

4. List the matter on 30.09.2021.

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

/D-/08.09.2021/