

DIVISION BENCH
COURT - II

O-201

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/1340(KB)2018
IA(I.B.C)/669(KB)2022, IA(I.B.C)/1219(KB)2022,
IA(I.B.C)/736(KB)2020, IA(I.B.C)/498(KB)2022,
IA(I.B.C)/971(KB)2022, IA(I.B.C)/1073(KB)2021,
IA(I.B.C)/40(KB)2021, IA(I.B.C)/854(KB)2020,
IA(I.B.C)/994(KB)2021, IA(I.B.C)/660(KB)2022,
IA(I.B.C)/333(KB)2021, IA(I.B.C)/488(KB)2021,
IVN.P (IBC)/3(KB)2021, IA(I.B.C)/328(KB)2020,
IA(I.B.C)/1109(KB)2020

**CORAM: 1. HON'BLE MEMBER(J), SHRI ROHIT KAPOOR
2. HON'BLE MEMBER(T), SHRI BALRAJ JOSHI**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 24TH NOVEMBER, 2022, 02:00 P.M

IN THE MATTER OF	JINDAL STEEL & POWER LIMITED VS BHARAT NRE COKE LIMITED
UNDER SECTION	IBC UNDER SEC 7

Counsel/ Authorised Representative appeared through physically/Video Conference:

Mr. Jishnu Saha, Sr. Adv.] In IA/ 669/KB/2022
Mr. Om Narayan Roy, Adv.]
Mr. Deblina Lahiri, Adv.]
Ms. M.Chatterjee, Adv.]

Mr.Chitransol A.Sinha, Adv.] In IA /660/KB/2022
Mr. Jaskaran S. Bhatia,Adv.]
Mr.Rajib Ghosh, Adv.]

Mr. A.K.Srivastava,Adv.] In IA 971/2022
Mr.Akash Sharma,Adv.]

Mr. Joy Saha, Sr.Adv.] For BHARAT NRE COKE LIMITED
Mr.Shashi Agarwal,PCS]

Mr. Arjun Asthana, Adv.] For Liquidator Gujrat NRE COKE
Ms.Shalini Basu,Adv.]
Mr.Sumit Binani, Liquidator] in person

Ms.Debaleena Ganguly,Adv.] For Respondents in IA 488 of 2021
Mr. Debrata Ganguly, Adv.]

O R D E R

1. IA (IBC) 736/KB/2020

This IA has been filed by Mr. Shashi Agarwal, Liquidator of Corporate Debtor seeking his discharge from his duty as Liquidator of the Corporate Debtor. This IA is accompanied by an affidavit duly affirmed by the Liquidator which is placed at page 24 of the application. Mr. Shashi Agarwal is hereby discharged as Liquidator of the Corporate Debtor. He shall handover the entire record to the new incumbent immediately.

This IA is accordingly allowed and disposed of.

2. IA(IBC)/660(KB)/2022 & IA(IBC)/669(KB)/2022

These applications are by different financial creditors recommending appointment of an alternative liquidator.

IA(IBC)/ 660/KB/2022

This application has been filed by Suraksha Asset Reconstruction Limited, Applicant seeking appointment of Ms. Rekha Kantilal Shah having Registration no. IBBI/IPA-001/IP-P00776/2017-2018/11449 as the Liquidator of Bharat NRE Coke Limited, Corporate Debtor, pursuant to the Disciplinary Committee's Order dt. 13/05/2022 of IBBI cancelling the registration of Mr. Shashi Agarwal, existing Liquidator of the Corporate Debtor. This IA is accompanied by an affidavit duly affirmed by the applicant, which is placed at pages 13-14 of the application.

IA(IBC)/669/KB/2022

This application has been filed by State Bank of India seeking appointment of Mr. Aditya Kumar Tibrewal, having registration no. IBBI/IPA-001/IP-P00743/2017-2018/11249 as the Liquidator of Bharat NRE Coke Limited, Corporate Debtor, pursuant to the Disciplinary Committee's Order dt. 13/05/2022 of IBBI cancelling the registration of Mr. Shashi Agarwal, existing Liquidator of the Corporate Debtor. This IA is accompanied by an affidavit duly affirmed by the applicant which is placed at pages 25 of the application.

3. There is no consensus between the two applicants to the name of the liquidator. Therefore, we deem it appropriate to appoint liquidator from the panel of Insolvency Professionals furnished by IBBI to NCLT Kolkata Bench on 30.06.2022 **Ms. Varsha Bagri, IBBI /IPA-001/IP- P01812/2019-2020/12783** email varshabagri@yahoo.com Mobile No. 9339239644, is hereby appointed as the Liquidator, subject, however, to her possessing a valid authorization for

Assignment (AFA) issued by the Insolvency Professional Agency(IPA) of which he is a professional member, in terms of regulation 7A of the IBBI (Insolvency Professionals) Regulations, 2019

4. Mr. Shashi Agarwal is hereby asked to handover entire records of liquidation process forthwith to newly appointed liquidator named above. Mr. Shashi Agarwal will be paid his dues, if any, by the Stake holders committee within two weeks.
5. In view of the above, both the **IA 660/KB/2022 and IA /669/KB/2022 are** disposed of.
6. **List IA (IBC) 1219/KB/2022 on 08/12/2022.**

Balraj Joshi
Member, (Technical)

Rohit Kapoor
Member(Judicial)