

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH (Court-II)
KOLKATA**

I.A. No. 958/KB/2021
In
CP(IB) No. 546/KB/2019

An Application under section 42 of the Insolvency and Bankruptcy Code, 2016

In the matter of:

Tata Hitachi Construction Machinery Company Private Limited

....Operational Creditor

Versus

Earth Mover Consultancy Private Limited

.....Corporate Debtor

And

In the matter of:

**Regional Provident Fund Commissioner – I Employees Provident Fund
Organisation Regional Office Jamshedpur**

....Applicant

Versus

- 1. Pramod Kumar Singh, Liquidator, Earth Mover Consultancy
Private Limited**
- 2. Earth Movers Consultancy Private Limited**
- 3. Kotak Mahindra Bank Limited**

....Respondents

Date of hearing: 17 January 2023

Date of pronouncing the order: 02 August 2023

Coram:

Smt. Bidisha Banerjee

: Member (Judicial)

Shri Balraj Joshi

: Member (Technical)

Appearances (via video conferencing/ physical):

Mr. Santosh Kr. Ray, Adv.] For Applicant in IA 766/KB/2021
Ms. Rituparna Sanayal, Adv.]
Ms. Surnana Mukherjee, Adv.]
Mr. Arani Guha, Advocate] For the Liquidator
Ms. Madhuri Pandey, PCS]
Mr. Pramod Kr. Singh, Liquidator in person	
Mr. Satyendra Agarwal, Adv.] For the RRFC
Mr. Gautam Mallick, Adv.]
Mr. Anujit Mukherjee, Adv.] For Applicant in IA 380/KB/2022
Mr. S. Chakraborty, Adv.] For Applicant in IA 718/KB/2021
Mr. S. Bhattacharjee, Adv.]
Mr. S. Chandra, Adv.]

CLARIFICATION ORDER

Balraj Joshi, Member (Technical)

1. This Court convened through hybrid mode.
2. The interlocutory application being I.A. No. 958/KB/2021 was heard and reserved for order on 17.01.2023. However, upon perusal of records, it has become clear to us that in order to adjudicate upon the instant matter, the representation of the performa respondent needs to be taken into account. However, the performa respondent *i.e* Kotak Mahindra Bank Limited has not filed any reply - affidavit.
3. As such, we direct the performa respondent to file reply-affidavit in I.A. No. 958/KB/2021 within *fifteen* (15) days.
4. List I.A. No. 958/KB/2021 along with CP No. 546/KB/2019 on 18.08.2023.
5. The Registry is directed to serve a copy of this order to the performa respondent *i.e* Kotak Mahindra Bank Limited.

Balraj Joshi
Member (Technical)

Bidisha Banerjee
Member (Judicial)

Signed on this, the 2nd day of August, 2023