

DIVISION BENCH
COURT - II

S-2

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P. (IB)/180(KB)2020
IA(I.B.C)/345(KB)2022

**CORAM: 1. HON'BLE MEMBER(J), SHRI ROHIT KAPOOR
2. HON'BLE MEMBER(T), SHRI HARISH CHANDER SURI**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 18TH MAY, 2022, 10:30 A.M

IN THE MATTER OF	BRGD INGOT PRIVATE LIMITED VS M/S. MCNALLY BHARAT ENGINEERING CO. LIMITED
UNDER SECTION	IBC UNDER SEC 9

Counsel / Authorised Representative appeared physically/through video conference:

For OC : Mr. Rajeev Kumar Jain, Adv.
Mr. Abhirup Chakraborty, Adv.

ORDER

1. Ld. Counsel for the Operational Creditor present.

2. **IA(IBC)/345(KB)2022**

(a) This application has been moved by the Operational Creditor seeking change of the name of the Operational Creditor from BRGD Ingot Private Limited to HMB Ispat Private Limited. It is submitted that resolution has been passed in the Extra Ordinary General Meeting of the shareholders held on 27/09/2021 for change of name and the change of name has already been effected in the record of the Registrar of Companies, West Bengal vide Certificate of Incorporation issued on 03/11/2021.

(b) In view of the averments made in the IA and submissions made by the Ld. Counsel for the Operational Creditor in Court, name of the Operational Creditor is allowed to be changed to HMB Ispat Private Limited. The Operational Creditor may file amended memo of parties within two days.

(c) IA (IBC)/345(KB)2022 stands disposed of.

3. **CP(IB)/180(KB)2020**

(a) *Vide* order dated **29/04/2022** passed in **CP(IB)/891(KB)2020**, the Corporate Debtor herein has already been admitted under the CIRP by Bench No. 1 of this Adjudicating Authority. In view of this, CP(IB)/180(KB)2020 cannot be continued. The Operational Creditor, in this petition, may file its claim before the IRP/RP appointed in CP(IB)/891(KB)2020. In case, there is any settlement between the parties in CP(IB)/891(KB)2020, the Operational Creditor herein may make an application for revival of the CP(IB)/180(KB)2020.

(b) With the above directions CP(IB)/180(KB)2020 is disposed of.

(c) File be consigned to the records.

Harish Chander Suri
Member (Technical)

Rohit Kapoor
Member (Judicial)

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