

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Company Appeal (AT) (Insolvency) No. 455 of 2023

IN THE MATTER OF:

**Mukesh Kumar Jain,
Liquidator Trans Gulf Frozen Food Containers Pvt.
Ltd.**

...Appellant

Versus

Divyanshu Walia

...Respondent

Present:

For Appellant:

For Respondent: Mr. Abhishek Anand, Mr. Karan Kohli, Mr. Vaibhav Mendiratta, Advocates with Mr. Divyanshu Golia son of Late Navjit Singh.

ORDER

21.04.2023: This Appeal has been filed against the Order dated 07.02.2023 passed by the Adjudicating Authority disposing of I.A. No. 4861 of 2022.

2. One Late Mr. Navjit Singh was appointed as Liquidator of the Corporate Debtor who died on 12th May, 2022. The New Liquidator filed this I.A. No. 4861 of 2022 against the son of the deceased liquidator seeking direction to hand over all the documents/records pertaining to the corporate debtor. The Adjudicating Authority while passing the order has noticed the Reply given by the son of the Liquidator and in the replies, details of documents sought by the new Liquidator has been handed over to the present Liquidator, after recording the observation, the Application has been disposed of.

3. Learned Counsel for the Liquidator submits that the documents which were in the possession of the deceased Liquidator are required to be handed over to the present liquidator for carrying out liquidation proceedings.

4. We have heard Learned Counsel for the Appellant and perused the record.

5. Whatever the documents were asked for from the son of the deceased liquidator have been given in the Replies submitted by the son as has been noticed by the Adjudicating Authority, we see no reason to find any fault with the order of the Adjudicating Authority disposing of the Application. It is always open for the present Liquidator to approach the ex-management of the Corporate Debtor for any documents as required and not received by the Liquidator. There is no personal liability of the son of the deceased Liquidator to supply documents as was claimed by the Liquidator which could not be located in the papers. Furthermore, whatever the documents were there with the son of the deceased liquidator has already been submitted.

6. Learned Counsel for the Appellant sought to contend that there is a Car in possession of the son of the deceased Liquidator which should also be handed over.

7. When we look into the prayers of the Application as has been noticed by the Adjudicating Authority, there is no such prayer made in the Application. Learned Counsel for the Respondent denies that there is any such Car in the possession of the son. When there is no such prayer in the Application made,

how the Learned Counsel for the Appellant submits that Car should be handed over to the present Liquidator, we failed to see.

8. The Application filed by the present Liquidator was wholly misconceived and has rightly been disposed of.

The Appeal is dismissed.

[Justice Ashok Bhushan]
Chairperson

[Mr. Barun Mitra]
Member (Technical)

Basant/nn