

IN THE NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH, PRAYAGRAJ

CA No.229 of 2018 & CA No.228 of 2018
IN CP (IB) NO.71/ALD/2017

In the matter of

An application under Section 35(1)(n) of Insolvency & Bankruptcy Code, 2016 read with Regulation 9(1) & (2) of the Insolvency & Bankruptcy Board of India (Liquidation Process) Regulations, 2016

In the matter of CA No.229 of 2018:

ANIL GOEL,
S/o Late Dwarka Das
Registered office at
E-10A, Kailash Colony, Greater Kailash-I,
New Delhi 110048

.....Applicant/ Liquidator

Versus

1. **VIKRAM KOTHARI**
S/o Late Mansukh Kothari,
R/o 7/23, Tilak Nagar, Kanpur 208002
2. **SADHNA KOTHARI**
W/o Mr. Vikram Kothari,
R/o 7/23, Tilak Nagar, Kanpur 208002
3. **RAHUL KOTHARI**
S/o Mr. Vikram Kothari,
R/o 7/23, Tilak Nagar, Kanpur 208002
4. **ARCHANA KOTHARI,**
W/o Mr. Rahul Kothari,
R/o 7/23, Tilak Nagar, Kanpur 208002

.....Respondents

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— Sd —
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IN THE NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH, PRAYAGRAJ

CA No.229 of 2018
Anil Goel (Liquidator of Rotomac Exports Pvt Ltd) V/s Vikram Kothari & Ors
And CA No.228 of 2018
Anil Goel (Liquidator of Rotomac Exports Pvt Ltd) V/s Director General of Police, UP & Anr
In IN CP (IB) No.71/ALD/2017

And

In the matter of
An application under Section 35(1)(n) of Insolvency & Bankruptcy Code, 2016 read with
Section 60(5)(c) of Insolvency & Bankruptcy Code, 2016

In the matter of CA No.228 of 2018:

ANIL GOEL,
S/o Late Dwarka Das
Registered office at
E-10A, Kailash Colony, Greater Kailash-I,
New Delhi 110048

.....Applicant/ Liquidator

Versus

- DIRECTOR GENERAL OF POLICE,**
Uttar Pradesh, Rana Pratap Marg,
Dilbagh Colony, Butler Colony,
Lucknow 226001
- STATION HOUSE OFFICER,**
Kohna Police Station, Vishanpuri, Purana Kanpur,
Uttar Pradesh.

.....Respondents

In the matter of:

BANK OF BARODA
Having its Head Office at:
Suraj Plaza-1, Sayaji Ganj, Mandavi Baroda 390020
& its International Business Branch at :
17/14, The Mall, Kanpur 208001.

.....Financial Creditor

Versus

ROTOMAC EXPORTS PRIVATE LIMITED
Having its Registered office at :
201, City Centre, 63/2, The Mall, Kanpur 208004

.....Corporate Debtor

Order reserved on 18.05.2022

Order pronounced on 13.06.2022

~ Sd ~

IN THE NATIONAL COMPANY LAW TRIBUNAL
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CA No.229 of 2018
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Anil Goel (Liquidator of Rotomac Exports Pvt Ltd) Vs Director General of Police, UP & Anr
In IN CP (IB) No.71/ALD/2017

Coram:

Mr. Rajasekhar V.K. : Member (Judicial)
Mr. Virendra Kumar Gupta : Member (Technical)

Appearances (via video conference):

For Applicant/ Liquidator : Ms. Archi Agarwal, Sh. Dhananjay Sud, Advs.
For R2 & R3 : Sh. Raghav Dev Garg, Adv.
For R4 : Sh. Rahul Agarwal, Adv.

COMMON ORDER

Virendra Kumar Gupta, Member (Technical)

CA No.229 of 2018

1. The present Application has been filed by the Applicant/ Liquidator seeking directions to the respondents to provide the Tally Data and other relevant financial information/ records of the Corporate Debtor and handover the possession of the asset of the Corporate Debtor i.e Toyota Innova bearing Registration No.UP-78-CF-0977 to the Liquidator.
2. It is submitted that in compliance of order dated 18.04.2022 passed by this Tribunal, Mr. Rahul Kothari visited the office of the Liquidator on 20th and 21st April, 2022 and provided the Tally Data along with all relevant financial records/ documents of the corporate debtor from the period 2010 onwards till 20.09.2017 (being the date of initiation of the Corporate Insolvency Resolution Process) to the Liquidator and his team.
3. It is further submitted that as regard to vehicle i.e. Toyota Innova, the keys of the vehicle has been handed over by Mr. Rahul Kothari to the team of the Liquidator.

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However, the Liquidator has not been able to take possession or custody of the said vehicle as the same has been attached by Income Tax Authorities since January, 2019.

4. It is also requested by Ld. Counsel Ms. Archi Agarwal for the Liquidator that specific directions to handover the possession of the said vehicle to the liquidator irrespective of attachment by any authority be given by this Adjudicating Authority.
5. Further, a request has also been made by the Ld. Counsel Mr. Rahul Agarwal, on behalf of Respondent no.4/ Ms. Archana Kothari that respondent no.4 is not a necessary party and her name may be deleted from the array of the parties. Ld. Counsel appearing for the Liquidator has no objection and no grievance against respondent no.4.
6. Considering the facts and circumstances of the case and submissions made on behalf of the Liquidator, we hereby direct the respondent no.1 to 3 to hand over the possession of the said vehicle bearing Registration No.UP-78-CF-0977 to the Liquidator irrespective of the attachment of the said vehicle by Income Tax Department. Further, the name of respondent no.4 is ordered to be deleted from the array of the parties.
7. Accordingly, the present CA No.229 of 2018 stands disposed off in terms indicated above.

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— Sd —

