

NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI

COURT-II

(IB)-1742(ND)2019

CORAM:

**PRESENT: MR. L.N. GUPTA
HON'BLE MEMBER(T)**

**MS. INA MALHOTRA
HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW
DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON
28.02.2020**

**NAME OF THE COMPANY: M/s. Om Logistics Ltd. V/s. M/s. Ryder
India Pvt. Ltd.**

UNDER SECTION 9 OF IBC, 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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Present for the Petitioner	:	Mr. Bikram Singh Gusain, Adv. Mr. I.P.S Oberoi, I.R.P		
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Present for the Respondent	:	Mr. Abhinav Bhatia, Ms. Poornima Yadav, Adv.		
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ORDER

Despite repeated opportunities given to the Operational Creditor to pay the Professional fees and reimburse the expenses to the IRP, no steps have been taken. The Operational Creditor is not interested in continuing with the CIR Process, as the expenses involved are more than their claim. It appears they had taken resort to the provisions of the Code as a tool for recovery. The directors of the Operational Creditor were required to be present in court. Despite the same, in blatant disregard of the directions of the Bench, they have failed to appear or take steps in the required behalf. It is submitted by the IRP that he has incurred an expense of Rs. 1,13,000/-, details whereof have been provided to the Operational Creditor. Of the said amount Rs. 57,000/- has been received by him through R.T.G.S. This amount does not

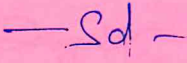
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include his professional fees for five months. Considering the status of the work done we are of the opinion that at least of Rs. 75,000/- should be reimbursed to him as his personal fees for 5 months. A balance of Rs. 1,31,000/- is therefore recoverable. It is submitted that the Ld. Counsel for the Operational Creditor that a cheque of Rs. 45,000/- has already been dispatched to the IRP towards his expenses.

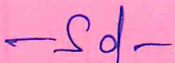
Considering the conduct of the Operational Creditor and their reluctance to pay the same, they are directed to transfer that the entire amount of Rs. 1,31,000/- vide R.T.G.S ~~Subject to full payment,~~ The cheque ~~of Rs.~~ sent by the post shall be returned to the Operational Creditor.

Failure to pay this amount shall necessitate issuance of warrants. At this stage, Ld. Counsel appearing for the Operational Creditor submits that the amount shall be transferred by ~~AN~~. Should the Directors default on this front, they shall be held in contempt. The IRP may initiate the same.

Disposed of in terms of the aforesaid.



(L.N. Gupta)
Member (T)



(Ina Malhotra)
Member (J)

Ashwani Kr.