

**IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI**  
**PRINCIPAL BENCH**

**Item No. 150**  
**(IB)-494(PB)/2019**

**IN THE MATTER OF:**

Syndicate Bank

.... Applicant/petitioner

Vs.

Him Steel Pvt. Ltd.

.... Respondent

**SECTION:**

**Under Section 7 of IBC, 2016**

**Order delivered on 15.01.2020**

**Coram:**

**SHRI B.S.V. PRAKASH KUMAR**  
**HON'BLE ACTG. PRESIDENT**

**SH. S. K. MOHAPATRA**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT:**

For the Applicant : Mr. Sanjeev Panda, Adv. Ms. Pallav Kulshrestha,  
C.S.  
For the RP : Ms. Reshma Mittal, C.A.  
For the Respondent : Mr. Mohit Choudhary, Ms. Sristi Gupta, Mr. Kunal  
Sachdeva, Advs. Mr. Tandon Agarwal Adv. For  
Respondent No. 5 & 6

**ORDER**

**CA-1452(PB)/2019:-**

It is an application filed by the RP seeking directions against the promoters/directors of the corporate debtor/respondents no. 1 to 4 and the purchasers of one of the assets lying with the corporate debtor i.e. R- 5 & 6 to immediately handover entire physical and electronic record and data of the corporate debtor and also to take notice of the conduct of the respondents which are in clear contempt



of directions given by this bench vide order dated 15.07.2019.

2. Looking at the Application, it appears that this company petition was admitted on 15.07.2019 by now already CIRP of 180 days has already expired but whereas till date the RP could not lay her hands on the records and the books of the company for these respondents having not even responded to the orders passed by this bench on 30.07.2019.

3. On hearing the submission of the RP and the respondents, we understand that the case of R1-4 is books of the corporate Debtor lying with R-5 & 6 because the premises where the books lying has already been sold to R5&6 on 11.04.2018, and R5&6 having not come forward to let the RP collect books from the premises lying with him, they have become helpless in ensuring those records released to the RP.

4. As against this submission, the counsel appearing on behalf of R5&6 submits that the books of the Corporate Debtor were not left in the premises at the time when the property was sold to them, whereby they cannot be made



answerable to ensure the delivery of the books of the Corporate Debtor to the RP.

5. The RP have faced with the situation, she filed this application under Section 19(2) of the Code making the promoter/directors as well as the so called purchasers as respondents to get the records from them but nothing has happened so far in the meanwhile, already CIRP of 180 days has been over. In a situation like this we believe that these respondents are not inclined to provide records of the corporate debtor to the RP. They have not provided any information, except filing their affidavits. Respondent no. 1 to 4 in their affidavit saying that records to be provided by respondent no. 5 & 6, respondent no. 5 & 6 state that they are not answerable to the information to be given by respondent no. 1 to 4. By filing of these affidavits, since the issue has not come to a logical end, we are of the view that some assistance is required to the RP for release of the records from the promoters/directors or from the persons with whom records lying.

6. In view thereof, we hereby suggest that since the registered office is shown as D-9, Udyog Nagar, Rohtak Road, Industrial Area, New Delhi-110041 falling within the



ambit of Police Station, Peeragarhi, the said commissioner may provide assistance to the RP in extracting records from these people. This direction is given by exercising jurisdiction given in Section 429 of the Companies Act, 2013. Accordingly, this application is allowed with liberty to the RP to approach this bench in the event any difficulty is arisen in getting information/record from the promoters/directors.

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**(B.S.V PRAKASH KUMAR)**  
**ACTG. PRESIDENT**

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**(S. K. MOHAPATRA)**  
**MEMBER (TECHNICAL)**