

**THE NATIONAL COMPANY LAW TRIBUNAL  
CHANDIGARH BENCH, CHANDIGARH  
(Exercising powers of Adjudicating Authority under  
the Insolvency and Bankruptcy Code, 2016)**

IA No.531/2018  
In  
CP (IB) No.28/Chd/Pb/2018  
(admitted)

**Under Section 60(5) of the Insolvency &  
Bankruptcy Code, 2016**

**In the matter of:**

Julka Rice & Oil Mills Ltd.

....Petitioner

**In the matter of IA No. 531/2018**

**Neelu Julka, w/o Shri Ukesh Julka**

having its registered office at  
Batala Road, Qadian, Tehsil Batala,  
District Gurdaspur, Punjab

**Ukesh Julka, S/o Sh. Brij Mohan Julka**

having its registered office at  
Batala Road, Qadian, Teshsil Batala,  
District Gurdaspur, Punjab

....Applicants

Vs.

**Sh. Rajesh Kumar Lumba, Resolution Professional/Liquidator**

of Julka Rice & Oil Mills Ltd.  
having its registered office at  
K-208, Kismat Complex,  
Miller Ganj, G.T. Road, Ludhiana  
Punjab-14133

**Punjab National Bank,**

Through its Branch Manager  
Branch office Qudian,  
Tehsil Batala, District Gurdaspur,  
Punjab

...Respondents

IA No.531/2018

In

CP (IB) No.28/Chd/Pb/2018

(admitted)

Order delivered on: 30.08.2023

**Coram: HON'BLE MR. HARNAM SINGH THAKUR, MEMBER (JUDICIAL)  
HON'BLE MR. SUBRATA KUMAR DASH, MEMBER (TECHNICAL)**

**Present**

For the Applicants : Mr. Rohit Suri, Advocate  
For respondent No.1 : Dr. Rajansh Thukral, Advocate  
: Dr. Surekha Thukral, Advocate  
For respondent No. 2- : Mr. Pulkit Goyal, Advocate

**Per: Subrata Kumar Dash, Member (Technical)**

**ORDER**

**IA No. 531/2018:**

The present application has been filed under Section 60(5) along with Section 65 of the Insolvency and Bankruptcy Code, 2016, by Mrs. Neelu Julka and Ukesh Julka, who are aggrieved by the legal notice dated 12.11.2018 by the liquidator for direction to the Liquidator to restrain from taking any action against the Applicants till the time a decision is taken by the Deputy Commissioner, Gurdaspur and to further direct the Financial Creditor (Punjab National Bank) to furnish the sanction letter and the ancillary documents submitted by Ms. Julka Rice and Oil Mills Ltd. while availing the loan from Punjab National Bank.

2. In the Legal Notice dated 12.11.2018 sent by the Liquidator, M/s. Julka Rice and Oil Mill Ltd. is shown as the owner of the Industrial Plot/Land Comprised in Khasra Nos.57R/1/2, 10/1, 57R/2/1, 50R/22, 52R/22, 52R/21/2, 53R/24, 25, 56R/4,

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57R//1 situated in mixed area at Julka Nagar, Batala Road, Qadian, Tehsil Batala, District Gurdaspur for which the Liquidator sought to take physical possession along with all the fixed assets and movable articles kept therein on 21.11.2018 (Wednesday) at 2-00 P.M. and put his lock and sealed thereon.

3. The legal notice dated 12.11.2018 was received on 15.11.2018 and the reply to the legal notice was sent on 16.11.2018. A copy of the legal notice dated 12.11.2018 and reply dated 16.11.2018 is annexed as Annexure A-2 of the application.

4. M/s. Julka Rice and Oil Mill Ltd., through Mr. Jatinder Mohan Julka, filed the Petition U/s. 10 of the Insolvency and Bankruptcy Act, 2016, for the initiation of CIRP. It is submitted by the applicant that the liquidator has failed to fulfil his duties as the Resolution Professional and has failed to consider the Lease rights in favor of Applicant No. 1, which have been crystallized by the court of Additional Civil Judge, Senior Division, Batala vide its order dated 07.03.2017 granting a stay on the possession of the Applicant No. 1 from the property.

5. Further, it is stated that the Liquidator/ Resolution Professional is appointed by the Financial Creditor to replace the Interim Resolution Professional vide order dated 28.05.2017, and the Financial Creditor is very much aware of the legal cases qua the applicants and the complaints issued by the applicants in various fora. Neither did the Financial Creditor inform the applicants regarding the CIRP process, and the applicants are positive that the same must not have been brought to the notice of this Court in the various progress reports presented over time by the Resolution Professional.

6. Reply has been filed by Respondent No. 1 in which the following contentions have been raised:

- i. It is submitted that M/s Julka Rice and Gen Mills was registered on 14/04/1981 and dissolved in 1995-96. Therefore, there is no such partnership firm in existence, and that is perhaps the reason that they have no place on record any documents of subsistence and continuation registration as on date.
- ii. Further, it is submitted that after taking over as liquidator, the applicant has put in best efforts to identify the properties of the company comprising of Land, buildings, Plant, and machinery installed at the site and other miscellaneous assets. The same is detailed in the valuation report of the liquidator.
- iii. It came to the notice of the respondent that earlier, the business was carried on in the name of this partnership firm. All the properties at that time were purchased in the name of this firm, and the title deeds of several parcels of land were also registered in the name of this firm. Subsequently, on 05.06.1987, the company Julka Rice and Oil Mills Private Limited was incorporated, whereby the entire business of the partnership firm was taken over by the company, and the firm was dissolved. Subsequent to which, the company was converted into a public limited company;
- iv. As submitted earlier also, it appears that with ulterior motives, some of the erstwhile partners unauthorisedly acted on behalf of the company to transfer/

alienate the property of the company without there being any consideration brought into the account of the company;

- v. It is done with the ulterior motives of some of the erstwhile partners, unauthorizedly acting on behalf of the company to transfer/alienate the property of the company without there being any consideration brought into the account of the company. Further, it is submitted that all the mutations have been recorded in an attempt to defraud its creditors and may also amount to preferred transactions. For the sake of the same, the respondent seeks leave of this Tribunal to place on record the copies of the Registries as soon as the same are procured;
  - vi. The respondent submits that there is no duty on the liquidator or any other agency to inform everybody individually about the CIRP proceedings having been commenced against a corporate debtor as the release of public notice in newspapers and the website of IBBI is sufficient notice to everybody about the commencement of CIRP proceedings against the corporate debtor.
7. Respondent No. 2 in the daily order dated 01.05.2023 of this Tribunal, has stated that it is adopting the reply filed by respondent No. 1.
8. We have heard the learned counsel for the parties and have gone through the relevant records.
9. In the case at hand, the dispute is over the ownership of the land. While the applicant has submitted that the land does not belong to the corporate debtor, i.e., Julka Rice and Oil Mills Private Limited, the respondent has vehemently argued to the contrary. It is not disputed that all the properties, including the impugned land, were
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purchased in the name of Julka Rice & General Mills, i.e., a partnership firm. Subsequently, the corporate debtor, i.e., Julka Rice & Oil Mills, was incorporated on 05.06.1987. The issue of ownership over the land has been taken before various judicial authorities, and finally, the matter was agitated before the Hon'ble Punjab and Haryana High Court, and the Hon'ble Court directed the learned Deputy Commissioner, Gurdaspur to ascertain the factum of ownership of the impugned land in question.

10. In the course of the present proceedings, the report of the Hon'ble Deputy Commissioner, Gurdaspur on the issue , has been placed on record. The relevant part of the report reads as under:

*"It is proved that the mutation No.3411 has been sanctioned on the basis of unregistered documents. The Patwari Halqa Sh. Sardool Singh, Kanungo Sh Lakhbir Singh and CRO Amarjit Singh has sanctioned the same by misusing their powers and they are responsible for that. As such they are guilty of sanctioning the mutation on the basis of a unregistered documents and strict action is required to be taken against them. It is relevant to mention here that the mutation No.3411 has been repeatedly made in the Zamabandhi and as such this office cannot correct the same in that regard. The complainant is informed that he can seek his redressal in the Civil Court."*

11. In view of the aforementioned finding by the learned Deputy Commissioner, the prayer in this application to restrain the liquidator from taking any coercive action till the aforementioned decision of the Deputy Commissioner, Gurdaspur, is rendered infructuous.

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12. However, in the interest of justice, the financial creditor (PNB) is directed to supply a copy of the sanctioned letter and the ancillary documents to M/s. Julka Rice & Oil Mills at the time of availing loan from PNB to the applicant.

13. In the result, IA No. 531/2018 is partly allowed and disposed of accordingly.

Sd/-  
**(Subrata Kumar Dash)**  
**Member (Technical)**

Sd/-  
**(Harnam Singh Thakur)**  
**Member (Judicial)**

August 30, 2023  
JGS/PB