

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH

CORAM:

(IB)-616(ND)2018

PRESENT: DR. V.K. SUBBURAJ
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 08.05.2019.

NAME OF THE COMPANY: M/s. Deepak Pneumatics Pvt. Ltd.

SECTION OF THE COMPANIES ACT: U/s 10 of IBC Code, 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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Present: Mr. Mukesh Sukhija, Advocate for the Petitioner
Ms. Poonam Mehadiratta, IRP

ORDER

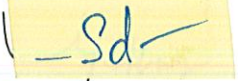
Facts of this case are peculiar. There is neither any business nor any asset of the applicant Corporate Debtor. The COC comprises of workmen who have not received their dues. They are not ready and willing to bear the expenses of any process.


Ld. Counsel submits that the professional fees of the IRP has been tendered in court in terms of the appointment by the Corporate Debtor. Upon receipt of the bills of expenses, the same shall also be tendered.

The IRP is duly discharged as in the absence of COC, there is no one to confirm her appointment or reimburse her professional fees and expenses.

In the absence of a resolution plan or a decision for the Corporate Debtor to go into liquidation, no further process can be proceeded with under the relevant provision of the Code. Resultantly, the resolution as well as liquidation fails in the absence of any decision of the COC.

Be put up for further consideration on 27th May, 2019.


(Dr. V.K. Subburaj)
Member (T)


(Ina Malhotra)
Member (J)