

**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH, COURT-I
KOLKATA**

I.A. (IB) No. 1455/KB/2023

in

CP (IB) No. 113/KB/2022

*Application under section 30(6) and section 31(1) of the
Insolvency & Bankruptcy Code, 2016 read with regulation 39(4) of the
Insolvency and Bankruptcy Board of India (Insolvency Resolution Process for
Corporate Persons) Regulations, 2016 for approval of Resolution Plan.*

In the matter of:

Kilburn Office Automation Limited

... Corporate Applicant

And

In the matter of:

Kamal Nayan Jain, Resolution Professional of

Kilburn Office Automation Limited

... Applicant

Coram:

Shri Rohit Kapoor, Member (Judicial)

Shri Balraj Joshi, Member (Technical)

Appearances (via hybrid mode):

For the Applicant/RP

Mr. Shaunak Mitra, Advocate

CLARIFICATION

1. I.A. (IB) No. 1455/KB/2023 was heard and reserved for orders.
2. On perusal of the Resolution Plan, it is observed that the Resolution Plan does not include a statement giving details if the resolution applicant or any of its related parties has failed to implement or contributed to the failure of implementation of any other resolution plan approved by the Adjudicating Authority at any time in the past as envisaged in Regulation 38(1B) of the CIRP Regulations.

3. Further, at Page 44 of the Resolution Plan has stated that the Resolution Plan is in compliance with Section 30(2) (e) and (f) of the Code, but only “yes” has been stated in the said table at Page 44 of the Resolution Plan.
4. We direct the Applicant to file a supplementary affidavit giving a clarification on the above observations within two weeks from the date of this order.
5. Post the C.P along with the I.A. for further consideration on 19 January 2024

Balraj Joshi
Member (Technical)

Rohit Kapoor
Member (Judicial)

Order signed on the 22nd day of December 2023.

GGRB_LRA