

**NATIONAL COMPANY LAW TRIBUNAL  
COURT No. – I, MUMBAI BENCH**

\*\*\* \*\*

**IA No. 2639/2019,  
IA No. 2642/2019,  
IA No. 2643/2019,  
IA No. 2648/2019,  
IA No. 2064/2020**

**&**

**IA No. 2216/2020**

**in**

**CP (IB) No. 1687/(MB)/2018**

**Edelweiss Asset Reconstruction Company Limited**

**V/s**

**Maxx Mobile Communications Limited**

\*\*\* \*\*

**Dated 21<sup>st</sup> January, 2021**

---

**ORDER**

Sr. No.8

The matter is taken up on VC.

**IA No. 1412/2020:**

Not on board. On mentioning by the Counsel for the Liquidator the IA is taken on board. This is an Application filed by the liquidator of the Corporate Debtor with the following prayers:

*a. Allow the present Application; and*

*b. Appropriate directions be issued under Regulation 31(3) of the Insolvency and Bankruptcy Board of India [(Liquidation Process) Regulations, 2016] for modification of the List of Stakeholders as detailed in paragraph 8 & 9 read with the list of stakeholders as annexed, filed under Regulation 31(3) of Liquidation Process Regulations, 2016.*

It is submitted that previously the liquidator admitted the claims from the Creditors and report to that effect has been filed with the NCLT in terms of provisions of Regulation 31(2) of the Insolvency and Bankruptcy Board of India (IBBI) (Liquidation Process) Regulations, 2016. Now the Counsel appearing on behalf of the liquidator submits that subsequent to the report being filed with NCLT, liquidator received three claims from the Operational Creditors. The following are the details of those claims.

S. No.	Name of the Creditors	Claim Received	Claim Admitted	Nature of claim Admitted	
				Secured	Unsecured
1.	B.Y. Kolekar, Dy. Comm. Of Sales Tax (E-715) Mumbai	644,660,440	644,660,440	-	644,660,440
2.	Ass. Comm. Shri. Nandkumar Kabmbale Income Tax Mumbai	574,838,741	574,838,741	-	574,838,741
3.	Dy. Comm. (Ass.-3) Sales Tax, Haridwar, Uttarakhand	305,354,076	231,471,790	-	231,471,790

It is submitted that the claims were received from the employees of the Corporate Debtor.

S. No.	Name of the Creditors	Nature of claim		Claim Received	Claim Admitted
		Workmen/Employee	Secured/Unsecured	86610	86610
1.	Vallari Prashant Lahate	Employee	Unsecured	78404	78404
2.	Sunil Kashinath Jadhav	Employee	Unsecured		
3.	Mr. Bhaskar Rajan (Authorised Representative, Workmen / Employees)	Workmen / Employee		59,84,952	38,09,488
<b>Total</b>				<b>61,49,966</b>	<b>39,74,502</b>

It is submitted that above claims were admitted as indicated in the table and now the Application has been filed under Regulation 31(3) of the Code for the modification of the stakeholders' list as already filed with this Authority.

Counsel for the Liquidator submits that he has already filed the new modified list of the Stakeholders with the Registry, annexed to this Application on Page No. 119.

On hearing the Counsel for the Applicant and on going through the pleadings, we feel that this Applications needs to be allowed. This Application is accordingly allowed in terms of Regulation 31(3) of the Insolvency and Bankruptcy Board of India (IBBI) (Liquidation Process) Regulations, 2016.

**IA No. 2064/2020:-**

Heard the counsel for the Liquidator. After an elaborate arguments, Counsel for the Liquidator seeks to withdraw this Application. The Application is dismissed as

withdrawn. It is made clear that if the Auction Purchaser confronts any problem with any Authority in respect of the sale of the Company as a going concern by the Liquidator, it would be at liberty to approach this Tribunal for redressal.

**IA No. 2639/2019, IA No. 2641/2019, IA No. 2642/2019 and IA No. 2643/2019:-**

Counsel for the Applicant (Liquidator) is present. There is no representation from the side of the Respondents in IA No. 2639 of 2019, IA No. 2641 of 2019 (wrongly listed as IA No. 2614 of 2019) and IA No. 2643 of 2019. Mr. M.S. Bharadwaj, Counsel for the Respondent in IA No. 2642 of 2019 is present. It is submitted that reply in IA No. 2642 of 2019 has been filed and the copy of the same has been served on the other side.

List the matters on 11/02/2021 for hearing.

**SD/-**

**V. NALLASENAPATHY**  
**Member (Technical)**

**SD/-**

**JANAB MOHAMMED AJMAL**  
**Member (Judicial)**

*Steno: Vedant Kedare*