

**NATIONAL COMPANY LAW TRIBUNAL**  
**MUMBAI BENCH, COURT-II**

**5. IA 3925/2019 In C.P.(IB)-3062(MB)/2018**

**CORAM: SHRI ASHOK KUMAR BORAH, HON'BLE MEMBER (J)**  
**SHRI SHYAM BABU GAUTAM, HON'BLE MEMBER (T)**

**ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF THE  
NATIONAL COMPANY LAW TRIBUNAL ON 04.10.2021**

**NAME OF THE PARTIES: - Abhyudaya Co-Op Bank Ltd**  
**V/s**  
**Shambhu Mahadev Suger & Allied  
Industries Ltd**

**Section: U/s 7 of (IBC) U/s 33(2) 60 (5)**

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**ORDER**

The matter is taken up through Virtual Hearing (VC).

**I.A. No. 3925/2019**: - Counsel, Ms. Krishna Baruah appeared for the RP/Applicant. The present application is filed by RP seeking order under Section 33(2) of the IBC Code, 2016, so as to put the Corporate Debtor Company (in liquidation) in the manner as prescribed under the provisions of IBC Code, 2016 and to appoint a liquidator in the matter. The Counsel appearing for the RP submits that there are no assets in the Corporate Debtor Company whatever assets were available have already been sold out by the earlier consortium holder of the Corporate Debtor Company. These actions of consortium holder have been challenged by the RP before Hon'ble High Court, Aurangabad Bench and is pending for adjudication. It is seen from the records that the fees of the RP to the tune of Rs. 13,34,924/- is still due and payable by the CoC in spite of the order dated 29.07.2021. The consequent members of the CoC were directed to share the fees of the RP proportionately and the same was required to be paid within a period of 15 days which has not been paid till date.

The Counsel appearing for the RP and CoC are directed to file affidavit indicating the compliance of the order dated 29.07.2021. List this matter on **02.11.2021** for further consideration.

**Sd/-**  
**SHYAM BABU GAUTAM**  
**Member (Technical)**

**Sd/-**  
**ASHOK KUMAR BORAH**  
**Member (Judicial)**