

SPECIAL BENCH (FOR BENCH -I)

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NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA


CP (IB) No. 279/KB/2019
IA(IB)No. 410/KB/2020

Present: 1. Hon'ble Member(J), Shri Jinan K.R.

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 13th March, 2020, 10:30 A.M

Name of the Company		GHG Softech Ltd. Vs. Dulichand Auto Sales Pvt. Ltd.	
Under Section		9 IBC	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date


1. PARTHA PRATIM GHOSH
RP


13/03/2020

1. Nirmalya Dasgupta }
2. Dibamath Dey } for
Suspended Board.

1. PRANAY AGARWAL, ADV.
2. ANKITA BAID, ADV.
3. DEEPAK KRIPALANI, ADV.

FOR
IRP


13/03/2020.

Arun Gupta, FCA }
Atul Suleko, Adv } For Operational
Creditors

Atul Suleko
13/3/2020

ORDER

Ld. Interim Resolution Professional (IRP) with his Counsel appears. Ld. Counsel for the Operational Creditor appears. Ld. Counsel for the directors of the suspended Board of Directors of the Corporate Debtor appears.

IA(IB) No. 410/KB/2020 is an application filed u/s. 12A of the Code submitting that the matter was settled out of the Tribunal and that Committee of Creditors has not been constituted and that publication has been issued as per the Regulation 6(1) in time, and prayed for approval of this application. The requirement to be meted u/s. 12A has also been complied with as submitted by the Ld. Counsel.

In the meanwhile, Ld. Counsel appearing for the Financial Creditors, Vinod Distributors Pvt. Ltd. and Hitesh Distributors Pvt. Ltd. submits that his clients have preferred claims on 12/03/2020 to IRP in response to the notification issued in the newspaper by the IRP. A copy of the same has been produced to strengthen his submissions.

Vide order dated 28/02/2020 the Corporate Debtor was admitted for initiating CIRP. However on 03/03/2020 the matter was settled out of the Tribunal and the CoC was not constituted because as on 3.3.2020 no other claimants submitted claims before the IRP. The claim of any financial creditor(s) who objected this application had submitted the claim on 12.03.2020. Since the matter was settled the IRP did not proceed further and filed this application. The explanation that he did not constitute the CoC on account of settlement and not verified the claims of the FC's now opposing this application is found satisfactory. The FC's right to make claim against the CD no way bar upon allowing this application. Accordingly, it appears to me that the application is to be approved as per Regulation 30(4) of the IBBI(IRP FOR C Persons) Regulations. Accordingly, approved as prayed for.

CA as well as CP is disposed of accordingly. File is consigned to records.



(Jinan K.R.)
Member (J)