

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

Item No. 141
(IB)-427(PB)/2019

IN THE MATTER OF:

Bharat Gupta	Applicant/petitioner
Vs.		
Goldstar Impex Pvt. Ltd.	Respondent

Order under Section 7 of Insolvency & Bankruptcy Code,2016

Order delivered on 13.01.2020

Coram:

SHRI B.S.V. PRAKASH KUMAR
HON'BLE ACTG. PRESIDENT

SH. S. K. MOHAPATRA
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the applicant

Mr. Siddhant, Adv.
Mr. Chandra Jain, RP

ORDER

C.A. No. 2119(PB)/2019

It is an application filed under Section 19(2) of the Insolvency and Bankruptcy Code, 2016 by Resolution Professional against Respondent Nos. 1 to 11.

Upon perusal of this application, it appears only R 1 & 3 were the Directors of the Corporate Debtor as on the date of admission of the case. Resolution Professional, even after having verified the records of the portal of MCA, as he is unable to make out anything either for collating claims or for identifying the assets. Since the RP is not in a position to carry the functions of the Resolution Professional, he has filed this application against R1 to 11, instead of filing only against R1 & 3.

However, since the Resolution Professional is left in dark and not in a position to discharge his functions, we are of the view



that if assistance is given to the Resolution Professional as stated under Section 429 of the Companies Act, 2013, it would be of some assistance to this Resolution Professional to carry the functions of the Resolution Professional and to bring CIRP to a logical end.

Since this Bench under section 429 of the Companies Act, 2013 can suggest the Commissioner of Police within whose jurisdiction the property of the Corporate Debtor or the Registered Office of the Corporate Debtor lying to cause the possession of the assets and books and other material papers released to the RP, we hereby suggest the Deputy Commissioner of Police Central District, Dariya Ganj, Delhi to provide assistance to this Resolution Professional to take the custody of the documents of the Corporate Debtor company from Respondent Nos. 1 & 3 namely Amar Deep Singh, R/o Karbla Road, Barmasiya, PS-Giridih, Jharkhand-815301 & Balraj Singh Saini, R/o – Ward No. 1, Meham District Rohtak, Haryana-124112. Accordingly, this application is hereby disposed of.

-sd-

(B.S.V PRAKASH KUMAR)
ACTG. PRESIDENT

-sd-

(S. K. MOHAPATRA)
MEMBER (TECHNICAL)