

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT – II)

Item No. 226
(IB)-984(ND)2019
IA-3916/2022, IA-1571/2021
IA-5756/2020, IA-4425/2022

IN THE MATTER OF:

M/s. A. C. Goel Paper Distributing Co. ... Applicant/Petitioner
(P) Ltd.

Versus

M/s. Webtech Packaging (India) Pvt. Ltd. ... Respondent

Under Section: 9 of IBC, 2016 (R. Plan)

Order delivered on 13.12.2022

CORAM:

SHRI ASHOK KUMAR BHARDWAJ,
HON'BLE MEMBER (J)

SHRI. L.N. GUPTA,
HON'BLE MEMBER (T)

PRESENT:

For the Applicant : Mr. Raghav Vig, Ms. Neeharika, Mr. Naqeeb
Nawab, Advs in IA No. 3916 of 2022.
Adv. Anuj Malhotra and Adv. Reda in
IA-4225/2022.

For the Respondent : Adv. Reda Tayyaba on behalf of Adv. Arjun
Agarwal

For the RP : Mr. Vinod Khanna Adv

ORDER

IA-5756/2020: An application filed under Section 30(6) of the IBC, 2016 for seeking approval of the Resolution Plan filed by RP. Ld. Counsel Mr. Vinod Khanna appearing for the RP submits that in the present matter, the SRA being the MSME has been found guilty of fraudulent transactions under Section 66 vide order dated 12.11.2021 of this Adjudicating Authority. The said order has been challenged by ex-promoters/SRA before the Hon'ble NCLAT, which is sub-judice. Hence, he prays for keeping this matter pending. The Applicant/RP is directed to file the Status Report of the said case including if there is any stay in the matter.

List on 18.01.2023.

IA-3916/2022: Ld. Counsels for RP as well as the Applicant are present and submit that they have already filed the reply and rejoinder on the DMS but the same are not reflected on the DMS. They are directed to ensure uploading of their reply and rejoinder on the DMS within one week, failing which, the matter will be heard on the basis of the documents available on record.



In the meantime, they are also directed to file one-page brief synopsis of their arguments on DMS in advance.

List on 18.01.2023.

IA-1571/2021: An application filed by RP seeking direction to the Respondents No. 1 to 3 being FC of the CD to pay the CIRP cost of Rs. 34,36,180/- approved and ratified in CoC meetings. Ld. Counsel for the RP submits that the FC has not been making the payments of fee despite that the same has been approved and ratified by the CoC.

Since the dispute relates to the payment of profession fee and expenses of the RP, we consider it appropriate to refer this matter to the IBBI for needful examination and resolution of the issue. The RP is directed to file the entire application before the IBBI within 2 weeks.

With this, the present IA stand disposed of.

IA-4425/2022: An application filed by the Suspended Board of Directors regarding the theft reportedly taken place in the factory premises on 02.07.2022. Ld. Counsel appearing for RP submits that they have already filed the reply in the matter. We have perused the reply which does not disclose the details of the assets, which are stolen. Ld. Counsel submits that they have appointed the security guards in the premises and the RP has also visited the affected premises. Ld. Counsel further admits that the FIR has not been lodged till date.

We observe that though the theft has taken place as back as 02.07.2022, the RP has not filed the details of the items stolen along with their value with this Adjudicating Authority so far and has not ensured lodging of the FIR till date. The RP is directed to ensure filing of the detailed report in this matter including the details of items stolen along with their value, the theft that occurred and the steps taken by the RP for registration of the FIR and pursuing investigation into the matter, within 7 days.

In case refusal of registration of FIR by the local Officer In charge of the Police Station, the RP is directed to file compliant with the SP of the concerned district under Section 154 of the CRPC. Further, let RP be present on the next date of hearing along with the Counsel of the IBBI.

List on 18.01.2023.


(L.N. GUPTA)
MEMBER (T)


(ASHOK KUMAR BHARDWAJ)
MEMBER (J)