## IA (IBC)/48/2021 IN C.P. (IB)No.05/GB/2018

Coram: Hon'ble Shri H. V.Subba Rao, Member (J): Hearing through Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

# ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 03.09.2021

Name of the Company: Hrisike	Liquid	ator /Applicant		
Dena Bank (Now Bank of Baroda) Financial Creditor V/s				
Bluefern Ventures Pvt. Ltd Company (in liquidation)				
Section of the Companies Act:	60(5)(C) of IBC of IBBI	, 2016 read with		
S. NO. NAME (CAPITAL LETTERS) DESIGNATION REPRESENTATION SIGNATURE				
<ol> <li>MR. PRANAY AGARWAL</li> <li>MS. ANKITA BAID</li> <li>NONE</li> </ol>	Advocate Advocate -	Petitioner Petitioner Respondent	Present in Video Conference	
<u>O R D E R</u> Date of Order: 03.09.2021				

The matter is taken up for hearing through video conferencing. The learned Counsels Mr. Pranay Agarwal and Ms. Ankita Baid appearing for the Liquidator are present. No one is present on behalf of the Respondent / FC – Bank of Baroda.

2. The Petitioner / Liquidator has submitted that the liquidation proceedings could not be completed due to Second Wave of COVID 19. He has submitted the reasons for non-completion and requested for exclusion of 90 days from the period of liquidation from 17.04.2021 to 16.07.2021 so that liquidation proceedings can be completed. Heard the learned Counsels appearing for the Petitioner.

#### 3. Matter is reserved for orders.

Sd/-(Prasanta Kumar Mohanty) Member (Technical) & Adjudicating Authority /Deka/03.09.2021/

IA (IBC) No.42 of 2021 IN C.P. (IB)No.08/GB/2020

Coram:

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

#### ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 03.09.2021

Name	of the Company:	Sandeep Khaitan, RP In Punjab National Bank (United Bank of India) Vs.		
		M/s. Megha	Granules Pvt. Ltd.	
Sectio	n of the Companies Act:	Under Section	on 12 read with 60(5)	of IBC, 2016
<u>S. NO</u> .	NAME (CAPITAL LETTERS)	DESIGNATION	<b>REPRESENTATION</b>	<u>SIGNATURE</u>
1. 2. 3.	MR. ABHISHEK PRASAD MR. SANDEEP KHAITAN NONE	Advocate RP -	Petitioner /RP In person Respondents	Present in Video Conference

#### <u>O R D E R</u> Date of Order: 03.09.2021

The matter is taken up for hearing through Video Conferencing. The learned Counsel for the Petitioner has submitted that this IA has been filed for exclusion of 55 days from the CIRP period as the CD had filed a Writ Petition before the Hon'ble Gauhati High Court and also had filed an appeal against admission order of the application passed by this Bench before the Hon'ble NCLAT. The Hon'ble NCLAT has dismissed the appeal. Thereafter, CIRP started and he has prayed for exclusion of 55 days taken during the period from the date of passing the order by this Bench till the date of dismissal of the appeal by the Hon'ble NCLAT. Heard the learned Counsel appearing for the Petitioner.

#### 2. Matter is reserved for orders.

Sd/-(Prasanta Kumar Mohanty) Member (Technical) & Adjudicating Authority /Deka-03.09.2021/

IA (IBC) No.44/2021 IN C.P. (IB)No.07/GB/2021

Coram:

3.

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

#### ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 03.09.2021

Name of the C	Company:	Prokash Dut V/s Amit Pareek		
Section of the	Companies Act:		on 60(5) of IBC, 201 Rules, 2016	6 read with Rule 11
<u>s. no</u> . <u>Name (</u>	<u>CAPITAL LETTERS)</u>	DESIGNATION	<b>REPRESENTATION</b>	<u>SIGNATURE</u>
	K. SRIVASTAVA KUL MOHTA	Advocate Advocate	Petitioner Petitioner	Present in Video Conference

### <u>O R D E R</u> Date of Order: 03.09.2021

in person

RP

The matter is taken up for hearing through Video Conferencing. Learned Counsels Mr. A. K. Srivastava and Mr. Nakul Mohata appeared for the Petitioner. Mr. Amit Pareek, RP is present in person. The learned Counsel for the Petitioner has submitted that the Respondent / RP Mr. Amit Pareek be directed to admit the entire claim filed by the Operational Creditor / Applicant. Heard both the sides. The Petitioner is given liberty to file written submissions within 7 days from today and copy of the same to be given to the RP. The RP is given another 7 days' time to file rejoinder, if any.

#### 2. Matter is reserved for orders.

MR. AMIT PAREEK

Sd/-(Prasanta Kumar Mohanty) Member (Technical) & Adjudicating Authority /Deka-03.09.2021/

IA (IBC) No.45/2021 IN C.P. (IB)No.07/GB/2021

Coram:

3.

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

#### ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 03.09.2021

Name of the Company:	Prokash Dut V/s Amit Pareek		
Section of the Companies Act:		on 60(5) of IBC, 2010 Rules, 2016	6 read with Rule 11
<u>S. NO</u> . <u>NAME (CAPITAL LETTERS)</u> <u>D</u>	ESIGNATION	<b>REPRESENTATION</b>	<u>SIGNATURE</u>

1. MR. A. K. SRIVASTAVA Advocate 2. MR. NAKUL MOHTA Advocate

MR. NAKUL MOHTA Advocate MR. AMIT PAREEK RP

e Petitioner Petitioner in person Present in Video Conference

#### O R D E R Date of Order: 03.09.2021

The matter is taken up for hearing through Video Conferencing. Learned Counsels Mr. A. K. Srivastava and Mr. Nakul Mohata appeared for the Petitioner. Mr. Amit Pareek, RP is present in person. The learned Counsel for the Petitioner has submitted that the Respondent / RP Mr. Amit Pareek be directed to admit the entire claim filed by the Financial Creditor / Applicant. Heard both the sides. The Petitioner is given liberty to file written submissions within 7 days from today and copy of the same to be given to the RP. The RP is given another 7 days' time to file rejoinder, if any.

#### 2. Matter is reserved for orders.

Sd/-(Prasanta Kumar Mohanty) Member (Technical) & Adjudicating Authority /Deka-03.09.2021/

IA (Comp. Act) 1/2021 IN C.P.No.10/GB/2021

Coram:

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

#### ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 03.09.2021

Name	of the Company:		& Pharmaceutical F rsus zarika & Ors.	Pvt. Ltd. & Ors.
Section	on of the Companies Act:	Under Rule 11 o	f NCLT Rules, 2016	
<u>S. NO</u> .	NAME (CAPITAL LETTERS)	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	SIGNATURE
1. 2. 3. 4. 5.	MR. RATNAKO BANERJEE MR. D. GOSWAMI MS. NIRMALYA DASGUPTA MR. A. K. SRIVASTAVA MR. AKASH SHARMA	Advocate	Applicants Applicants Applicants Respondents Respondents	Present in Video Conference

#### O R D E R Date of Order: 03.09.2021

Matter is taken up today for hearing through video conferencing. This Interim Application has been filed by Assam Chemical & Pharmaceutical Pvt. Ltd. and 4 others and are represented by learned Counsels Mr. Ratnako Banerjee, Mr. D. Goswami and Ms. Nirmalya Dasgupta. The respondents are represented by the learned Counsels Mr. A. K. Srivastava and Mr. Akash Sharma. Heard both the sides.

2. The learned Counsel for the Applicants has submitted that an appeal is pending before the Hon'ble Supreme Court. Hence, CP No.10/GB/2021 filed under Section 241/242 of the Companies Act should not be heard. On the other, the learned Counsel for the Respondents has submitted that their petition filed under Section 241/242 of the Companies Act being CP No.10/GB/2021 be heard. It is appropriate to being our earlier order dated 17.08.2021 passed in CP No.10/GB/2021:-

# "<u>O R D E R</u> Date of Order: 17.08.2021

Matter is taken up today for hearing through video conferencing. Learned Counsels Mr. A. K. Srivastava and Mr. Akash Sharma are present on behalf of the Petitioners. Learned Counsel Mr. Ratnako Banerjee is present on behalf of the Respondents No 1 to 8. Learned Counsels Mr. Anjan Kumar Roy and Ms. Nirmalya Dasgupta are present on behalf of the Respondents No.9 and 10. Heard both the sides including Respondents No.9 and 10.

2. The Respondents are directed to file their replies within 10 days from today. Copy of the same is to be given to the Petitioners. Another 7 days is given to the Petitioner to file their rejoinder, if any, and a copy of the same is to be given to the Respondents.

# *3.* List the matter on 08.09.2021."

3. The learned Counsel for the Respondents here has submitted that he has no information from his client with regards to the receipt of the copy of this Application filed by the Applicant. The Petitioner has confirmed that it has sent the copy of this petition to the Respondents. However, the Applicant is directed to send the copy of the Application to the Respondents. Since, the main Petition i.e. CP No.10/GB/2021 is listed on 08.09.2021, this matter is adjourned.

# 4. List the matter on 08.09.2021 along with the main Petition CP No.10/GB/2021.

**Sd/-**

(Prasanta Kumar Mohanty) Member (Technical) /Deka-03.09.2021/ Sd/-

(H. V. Subba Rao) Member (Judicial)

#### C.P. (IB)No.09/GB/2021

Coram:

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

# ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 03.09.2021

Name	of the Company:	Grainspan Nutrients Pvt. Ltd. V/s Aruna's Snack Foods Pvt. Ltd.		
Sectior	n of the Companies Act:	Under Section 9 of Insolvency and Bankruptcy Code, 2016		
<u>s. no</u> . <u>n</u>	NAME (CAPITAL LETTERS)	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	<u>SIGNATURE</u>
1. <b>2.</b>	MR. ARNAB DUTTA NONE	Advocate -	Petitioner Respondent	Present in Video Conference

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### Date of Order: 03.09.2021

This matter is taken up through Video Conferencing. The Learned Counsel for the Petitioner, Mr. Arnab Dutta is present. No one is present from the side of the Respondent.

2. It is appropriate to bring our earlier order passed on 23.08.2021: -

# "<u>O R D E R</u> Date of Order: 23.08.2021

This matter is taken up through Video Conferencing. The Learned Counsel for the Petitioner, Mr. Arnab Dutta is present. No one is present from the side of the Respondent.

2. It is submitted by the learned Counsel of the Petitioner that in compliance of the order of this Bench dated 05.08.2021, the Petitioner has sent the notice

and copy of the Petition to the Respondents through e-mail of the Respondent Company. The Counsel has also informed that a name of a Resolution Professional has been suggested for this matter. He has prayed for admission of the Application.

3. Since the Respondent is yet to appear, in the interest of justice, once more opportunity is given to the Respondents. The Petitioner is directed to send the notice and copy of the Petition to the Respondents once again by speed post. Copy of proof of delivery of the notice and copy of the Petition to the Respondents is to be filed before the Registry before 03.09.2021. The Petitioner is also directed to convey the next date of hearing to the Respondents through e-mail.

# 4. List the matter on 03.09.2021."

3. The learned Counsel for the Petitioner was earlier directed to forward the copy of the Petition once again by speed post and to file the copy of proof of service of the notice as well as the copy of the Petition to the Respondent before the Registry. The learned Counsel for the Petitioner has submitted that he has sent the copy of the Petition to the Respondent but confirmation of delivery is yet to be received. Hence, he prays for 7 days' time to confirm delivery of the copy of the Petition and the notice to the Respondents. As requested, 7 days' time is granted.

### 4. List the matter on 16.09.2021.

Sd/-(Prasanta Kumar Mohanty) Member (Technical) & Adjudicating Authority /Deka-03.09.2021/

#### C.P. (IB)No.14/GB/2021

Coram:

Hon'ble Shri H. V. Subba Rao, Member (J):Hearing throughHon'ble Shri Prasanta Kumar Mohanty, Member (T):Video Conference

# ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 03.09.2021

Name	of the Company:	M/s. Tata Hitachi Construction Machinery Co. Pvt. Ltd. V/s M/s. Berial Engineers Pvt. Ltd.		
Sectio	on of the Companies Act:	Under Section 8 & 9 of Insolvency and Bankruptcy Code, 2016		
<u>S. NO</u> .	NAME (CAPITAL LETTERS)	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	<u>SIGNATURE</u>
1. 2.	MR. VIJAY NATH JHA NONE	Advocate -	Petitioner Respondent	Present in Video Conference

#### <u>O R D E R</u> Date of Order: 03.09.2021

This matter is taken up through Video Conferencing. Learned Counsel Mr. Vijay Nath Jha is present on behalf of the Petitioner. No one is present on behalf of the Respondent.

2. It is appropriate to bring our earlier order passed on 18.08.2021: -

# "<u>O R D E R</u> Date of Order: 18.08.2021

This matter is taken up through Video Conferencing. Learned Counsel Mr. Vijay Nath Jha is present on behalf of the Petitioner. No one is present on behalf of the Respondent.

2. The learned Counsel appearing for the Petitioner has submitted that they are not able to deliver the notices as well as copy of the Petition to the Respondent as the Petition sent by them was returned with postal remarks "Company left/ Company closed". The learned Counsel for the Petitioner has submitted that the Company Master Data of the MCA clearly shows that the last balance sheet of the Company was filed as on 31.03.2010. The Company is inactive. The learned Counsel for the Petitioner has prayed for publication of the notice through Newspapers. However, in the absence of delivery of notice and the Petition copy to the Respondent, it is not appropriate to proceed further at this stage. Hence, the Petitioner is directed to make another attempt to serve notice as well as copy of the Petition to the Respondent through Speed Post / Email.

# *3.* List the matter on 03.09.2021."

3. During the proceedings, the learned Counsel appearing for the Petitioner was required to clarify certain points i.e. as reported by the Petitioner itself the Respondent Company is not in existence, they are not able to serve the notice upon the Respondent. The last balance sheet was filed by the Respondent only as on 31.03.2010. Under these circumstances, whether the Petitioner wants to peruse the matter.

4. The learned Counsel for the Petitioner sought for 3-4 days' time to seek clarifications from his client relating to the delivery of the notice/publication of notice through News Paper and continuation of the Case. Time is granted as requested for.

# 5. List the matter on 16.09.2021.

Sd/-(Prasanta Kumar Mohanty) Member (Technical) & Adjudicating Authority (Deka-03.09.2021/

#### C.P. No.13/GB/2021

Coram:

Hon'ble Shri H. V. Subba Rao, Member (J):Hearing throughHon'ble Shri Prasanta Kumar Mohanty, Member (T):Video Conference

# ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 03.09.2021

Name of the Company:	-	Elangbam Infrastructure & Construction Pvt. Ltd. V/s Registrar of Companies, NER, Guwahati			
Section of the Companies Act	: Under Section 252 of the Companies Act,		nies Act, 2013		
<u>S. NO. NAME (CAPITAL LETTERS)</u>	<b>DESIGNATION</b>	<b>REPRESENTATION</b>	SIGNATURE		
<ol> <li>MR. A.S. SINGH</li> <li>NONE</li> </ol>	Advocate -	Petitioner Respondent	Present in Video Conference		

### ORDER Date of Order: 03.09.2021

This matter is taken up through Video Conferencing. The Learned Counsel Mr. A. S. Singh appeared for the Petitioner. He has confirmed that he has sent the copy of the Petition to the Respondent only on 30.08.2021 and a fresh copy has been filed before the Registry. No one is present on behalf of the Respondent. Registry is directed to issue notice to the Respondents. The Respondents are given 10 days' time to file their objections/submissions, if any. If no response is received within 10 days, it would be deemed that they have no objections. The Petitioner is directed to convey the next date of hearing to the Respondent.

#### 2. List the matter on 23.09.2021.

Sd/-(Prasanta Kumar Mohanty) Member (Technical) /Deka-03.09.2021/ Sd/-(H. V. Subba Rao) Member (Judicial)