

**BEFORE THE ADJUDICATING AUTHORITY
NATIONAL COMPANY LAW TRIBUNAL
INDORE BENCH AT AHMEDABAD
COURT 1**

(MP) IA 46 of 2020 in TP 125 of 2019 [CP(IB) 159 of 2018] With
IA 48 of 2020, IA 49 of 2020, IA 50 of 2020, IA 53 of 2020, IA 56 of 2020

**Coram: Hon'ble Mr. MADAN BHALCHANDRA GOSAVI, MEMBER (JUDICIAL)
Hon'ble Mr. VIRENDRA KUMAR GUPTA, MEMBER (TECHNICAL)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING THROUGH VIDEO CONFERENCING BEFORE THE
INDORE BENCH AT AHMEDABAD OF THE NATIONAL COMPANY LAW TRIBUNAL ON 27.08.2020**

Name of the Company:

Harshad V Vora
V/s
Bhagwan Motors Pvt Ltd

Section:

Section 19/60(5) IBC r.w Rule 11 of NCLT, 2016/33(1), 33(2), 34(1)
IBC/66, 68, 69, 70, 71, 72, 73 & 60(5) IBC, 2016

ORDER

Learned Counsel Mr. Anand Prabhawalkar a.w. Resolution Professional Mr. Mangesh Kekre appeared.

Learned Counsel Ms. Garima Malhotra appeared for the Respondent in IA No. 49 of 2020

Learned Counsel Mr. Urvesh Gor appeared for the Respondent No. 4 in IA No. 56 of 2020

IA No. 46 of 2020 is filed by the Resolution Professional under Section 19 of the Insolvency & Bankruptcy Code, 2016.

We perused the record. We heard Learned Resolution Professional. We direct the board of suspended management to cooperate with the Resolution Professional by handing over and Resolution Professional to complete the process as per rules and to file progress report of list of assets, list of plants & machineries and tools within seven days, without

fail, if the board of suspended management fails to comply with the above order, a notice under Section 425 of the Companies Act, 2013 shall be issued.

With the above said observation, IA No. 46 of 2020 is stands disposed of.

IA No. 48 of 2020 is filed by the Resolution Professional under Section 60(5) r.w. Rule 11 of the Insolvency & Bankruptcy Code, 2016 for directing to Belmaks Metal (I) Ltd. to refund an amount due payable to the Corporate Debtor. However, it is brought to our notice that Belmaks Metal (I) Ltd. has already deposited the said amount to the GST Department, which was then payable to the Corporate Debtor. In view of this, the IA No. 48 of 2020 becomes infructuous and stands disposed of with the liberty Resolution Professional to file necessary application as per provisions of law.

With the above said observation, IA No. 48 of 2020 is stands disposed of.

IA No. 49 of 2020 is filed by the Resolution Professional under Section 60(5) r.w. Rule 11 of the Insolvency & Bankruptcy Code, 2016 for directing to V E Commercial Vehicales Ltd.(Respondent) amount due payable to the Corporate Debtor. However, it is brought to our notice that Respondent has already deposited an amount to the GST Department, which was then payable to the Corporate Debtor. In view of this, the IA No. 49 of 2020 becomes infructuous and stands disposed of with a liberty to Resolution Professional file necessary application as per provisions of law.

With the above said observation, IA No. 48 of 2020 is stands disposed of.

IA No. 50 of 2020 is filed by the Resolution Professional under Section 60(5) r.w. Rule 11 of the Insolvency & Bankruptcy Code, 2016.

Heard Learned Resolution Professional.

Perused the record.

We direct RP to serve **Notice** to the Respondent by speed post as well as E-mail. The Affidavit of proof of service to be filed within two weeks. The Respondent shall file affidavit-in-reply within two weeks by serving an advance copy to the other side.

vc

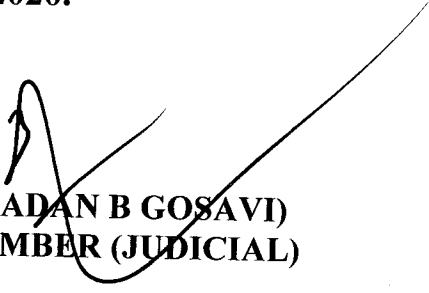


IA No. 53 of 2020 is filed by the Resolution Professional under Section 33(1), 33(2) 34 (1) of the Insolvency & Bankruptcy Code, 2016 for passing an order of Liquidation. we direct him to file revised Form H within two weeks.

IA No. 56 of 2020 is filed by the Resolution Professional under Section 66,68,69,70,71,72, 73 & 60(5) of the Insolvency & Bankruptcy Code, 2016 for treating one of the Financial Creditor as an unsecured Financial Creditor. We direct Respondent no. 4 file reply, if not filed earlier.

IA No. 50, 53 & 56 of 2020 stands adjourned to 08.10.2020.


(VIRENDRA KUMAR GUPTA)
MEMBER (TECHNICAL)


(MADAN B GOSAVI)
MEMBER (JUDICIAL)

Dated this the 27th day of August, 2020.