

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

Item No. 9
(IB)-1788(PB)/2018

IN THE MATTER OF:

Sarika Somvanshi & Ors. Applicant/petitioner
Vs.
M/s. R.S. Stones Pvt. Ltd. Respondent

Order under Section 7 of IBC, 2016

Order delivered on 06.11.2019

Coram:

CHIEF JUSTICE (RTD.) M. M. KUMAR
HON'BLE PRESIDENT

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

PRESENT:

For the respondent Mr. Mukesh Kumar, Adv. for RP

ORDER

CA-2428(PB)/2019:-

The RP has filed the instant application under Section 19(2) of the Code seeking co-operation from the non-applicant-Ex.-directors/promoters of the corporate debtor. Before filing the application, the RP has sent an email dated 07.10.2019 requesting the ex.-director Mr. Rajesh Bansal to supply documents which were required for taking over the corporate debtor. The details of those documents has been given in the checklist sent to Mr. Bansal and the same reads as under:-

Sr. No.	Particulars	Remarks
2	Certificate of Incorporation	
3	Certificate of Commencement of Business	

Handwritten signature/initials

4	Memorandum and Articles of Association (Original)	
5	Details of Changes of MOA and AOA	
6	RoC certificate for Change of name since Incorporation	
7	RoC certificate for change of Registered Office	
8	Common Seal of the Company	
9	Notices of all Meetings held since 01.04.2011 <ul style="list-style-type: none"> • Board of Director • Annual General Meeting • Extra Ordinary General Meeting 	
10	Signed Minutes Book of all meetings since 01.04.2011 <ul style="list-style-type: none"> • Board of Director • Committees (if any) • Annual General Meeting • Extra Ordinary General Meeting 	
11	Director's Report since 01.04.2011	
12	Balance Sheet duly signed by Authorized person since 01.04.2011	
13	Statutory Auditor's Report since 01.04.2011	
14	Internal Auditor's Report since 01.04.2011	
15	Change in Directorship since incorporation (DIR-12 or Form 32) since Incorporation	
16	Change in Share Capital since Incorporation	
17	Change in Shareholding pattern since Incorporation	
18	Charge documents (Form-8, 13 or CHG-1) since Incorporation <ul style="list-style-type: none"> • Status of ROC Registration 	
19	Statutory Registers	

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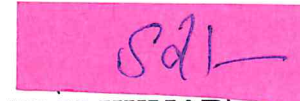
	<ul style="list-style-type: none"> • Fixed Assets Register • Register of Members • Register of Debenture holders • Index of Members and Debenture Holders • Share Transfer Register • Register of Charge • Register of Contracts in which Directors are interested • Register of Contracts • Register of Investment 	
20	Search Report if taken	
21	Due diligence report if conducted	
22	Original Challans/Receipts of all documents filed with RoC since 01.04.2011	
23	Books of Accounts since 01.04.2011	
24	Inventory Register	
25	Related Party Transaction	
26	Non cash Transaction	

The complaint made by the RP is that no co-operation is being tendered by the Ex.-directors-non-applicant-respondents. We direct the ex.-directors-respondents to appear before the RP on 12.11.2019 and hand over the documents requisitioned and all other documents in their possession. They shall also divulge information which may be sought by the RP. A copy of this application along with this order be served to non-applicant-respondents on or before 09.11.2019 by the RP by email or any other acceptable mode.

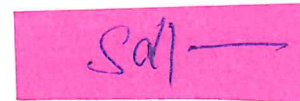



The non-applicant-respondents shall file their reply within two weeks and the resolution professional shall also apprise the bench with regard to the copies of the documents that still remains to be supplied and information yet to be received.

List for further consideration on 26.11.2019.



(M.M.KUMAR)
PRESIDENT



(S. K. MOHAPATRA)
MEMBER (TECHNICAL)

06.11.2019
Aarti Makker