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**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
Kolkata**

**CA(IB)No.551/KB/2018
In
C.P. No. 182/KB/2017**

IN THE MATTER OF:

Section 10(1) of the Insolvency and Bankruptcy Code, 2016.

And

IN THE MATTER OF:

An application under Regulation 31(3) of the Insolvency and Bankruptcy Board of India(Liquidation Process) Regulations, 2016.

IN THE MATTER OF:

Gujarat NRE Coke Limited, represented by Shri Sumit Binani, the Liquidator appointed by this Hon'ble Tribunal (in the matter of Gujarat NRE Coke Limited (in liquidation) a public limited company by shares registered under the provisions of the companies Act, 1956 having its registered office at 22, Camac Street, Block- C, 5th Floor, Kolkata 700016, West Bengal.

.....Applicant

Coram: Shri M.B. Gosavi Hon'ble Member(J)

Counsel on record:

1. Rohit Sharma, Pr. CS For the Applicant/Liquidator

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Date of pronouncement of order: 8th October, 2018

ORDER

Per Shri Madan B. Gosavi, Member(J)

1. This application is under Regulation 31(3) of the Insolvency and Bankruptcy Board of India (Liquidation Process) Regulations, 2016 filed by the Liquidator for permitting him to consider the claims received by him after the due dates after he filed list of creditors in this proceeding.
2. Vide Order dated 11th January, 2018, this Adjudicating Authority passed an order of liquidation of the Corporate Debtor i.e. M/s Gujarat NRE Coke Ltd. The applicant is appointed as the Liquidator. On 15th January, 2018, he has made public announcement calling claims from the creditors. Last date to submit the claim was 10th February, 2018. On 27th March, 2018, he prepared list of creditors who filed the claims in time. However, thereafter he received claims from some of the creditors namely M/s Sujlon Global Services Ltd., Teatree Enterprises Ltd., Tothill Ventures Ltd., Investec Bank (Switzerland) AG., and the Deputy Commissioner of Central Tax, Dharwad Division, Karnataka.
3. Regulation 31(3) requires the Liquidator to modify the list of creditors if he received some additional information warranting such modifications.

4. In this case, in fact one of the unsuccessful bidder has filed an appeal against the order of liquidation. Hon'ble NCLAT allowed the Liquidator to proceed with the process. But he is directed not to sell the assets of the Corporate Debtor. Since there is no stay to proceed with the process of liquidation, there is no ground to reject this application.
5. I heard the Liquidator in person. I peruse the record. I do not see any reason for not allowing the Liquidator to modify the list of creditors. The Liquidator is to ascertain the claims of the creditors as per the Rules and to modify the list accordingly. With this, the application being CA(IB)No.551/KB/2018 stands disposed off.

Urgent certified copy of this order, if applied for, be issued upon compliance with all requisite formalities.

Sd

(M.B. Gosavi)
Member(Judicial)

Signed on this, the 8th day of October, 2018.

Deeksha-(steno)