

BENCH-I

NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA

- CP (IB) No. 03/KB/2017
- CA (IB) No. 293/KB/2018
- Misc. A. No. 360/KB/2018
- Misc. A. No. 529/KB/2018
- CA (IB) No. 572/KB/2018
- CA (IB) No. 660/KB/2018
- CA (IB) No. 690/KB/2018
- CA (IB) No. 774/KB/2018
- CA (IB) No. 721/KB/2018

Present: Hon'ble Member (J), Shri Jinan K.R.

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 13<sup>TH</sup> SEPTEMBER, 2018, 10:30 A.M.

Name of the Company		Nikko Corporation Ltd. (under Liquidation)	
Under Section		10 IBC	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

- 1. Abhrajit Mitra, Sr. Advocate } for Respondent NO. 6 to 15      13.9.18
- 2. Amrita Pandey, Adv. }
- 3. Arun Kumar Mishra, Advocate for Integral Coachfactory 13/09/18
- 4. Mr. Soumaloko Ghosh, Adv. } For Respondent Nos. 3, 4, 5 & 8.
- 5. Mr. Dibamati Ray, Adv. }      13/09/2018
- Ratnankar Banerjee, Sr Adv } For R 16
- Maryia Bheutaria, Adv }
- Shantanu Mofar, Adv }
- Surey Basu, Adv }
- Pratibha Shrivastava, Adv } 13/09/18

P.T.O

- 1) Jayanta Mitra (Sr. Adv.) } For Aile  
 2) Shannak Mitra (Adv.) } R. 1, 2, Chandhuri  
 3) Anil Chaudhuri (Adv.) } 7 & 13 13/9/18.

Anirban Ray } for R 14  
 13/9/18

Amitava Chaudhuri }  
 Dwipayan Bose Mallick } Ja Respondents  
 N. Ray } in CA(1B) 293 / KB / 2018.

Shubasish Sengupta, Adv. } for Jameco. Ltd.  
 Balarka Sen, Adv. } in CA(1B) 721 / KB / 2018  
 Ankit Dey, Adv. }  
 Supratim Laha } → IA 529 / 2018  
 Rekha Ghosh }

Ms. Anirban Ray } Respondent 1A  
 Ms. Sulecha Gandhi }  
 Advocates .

Mr. Vinod Kumar Kothari } Liquidator  
 Mr. Rishav Banerjee, Adv } Rep. of Liquidator  
 Ms. Richa Saraf, Adv } Rep. of Liquidator } Richa Saraf

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**CP(IB)No. 03/KB/2017**  
**CA(IB)No.293/KB/2018, Misc. A. No.360/KB/2018,**  
**Misc. A. No.529/KB/2018, CA(IB)No.572/KB/2018,**  
**CA(IB)No.660/KB/2018, CA(IB)No.774/KB/2018,**  
**CA(IB)No.721/KB/2018- Nicco Corporation Ltd.**

### ORDER

Ld. Counsel for Integral Coach Factory, Ld. Counsel for respondent no. 1, to 16, Ld. Counsel for respondent in CA(IB)No.293/KB/2018, Ld. Counsel for Jameco Ltd. in CA(IB)No.721/KB/2018, for IA 529/KB/2018 are present.

**CA(IB)774/KB/2018** is filed by one of the Operational Creditors who has submitted its claim before the liquidator which was out of time and for the said reason the liquidator rejected the claim. Hence this appeal is filed under Section 42 of the Insolvency and Bankruptcy Code for condoning the delay. Going through the contentions raised by the applicant though, I am not satisfied with the reason of delay for 7 months, in order to have a decision on merit and in the interest of justice delay is condoned upon payment of Rs. 25,000/- (Rupees Twenty Five Thousand Only) to the Kerala Chief Minister's Distress Relief Fund ( [www.donation.cmdrf.kerela.gov.in](http://www.donation.cmdrf.kerela.gov.in)). If payment is made within 15 days, this application stands allowed. The liquidator is directed to re-consider the claim in accordance with the provisions of Code and Regulations. This CA is disposed of accordingly.

**CA(IB)690/KB/2018-** The Ld. liquidator has submitted that he was not in receipt of the copy of the application. No affidavit of service has been filed. Directed to serve a copy to the liquidator, either soft copy or hard copy.

Upon receipt of the copy of the application, Ld. Liquidator is directed to file reply affidavit by serving copy to the applicant and applicant is directed to file rejoinder, if any, by serving copy to the liquidator.

**CA(IB)721/KB/2018** seen filed by one another Operational Creditor under Section 42 for condoning the delay and to resubmit its claim to the liquidator. It is submitted that liquidator has rejected the claim as it was submitted out of time. Delay is about 7 months. Though the reason advanced on the side of the applicant for condoning the delay is not satisfactory, in order to have a decision on merit and in the interest of justice the delay can be condoned provided, an amount of Rs. 10,000/- (Rupees Ten Thousand Only) is paid to the Kerala Chief Minister's Distress Relief Fund ( [www.donation.cmdrf.kerela.gov.in](http://www.donation.cmdrf.kerela.gov.in)) within 15 days. If payment is made within 15 days, this application stands allowed. The liquidator is directed to re-consider the claim in accordance with the provisions of Code and Regulations. This CA is disposed of accordingly.

**Misc.A.No.529/KB/2018-** Ld. Counsel for the applicant in Misc.A.No.529/KB/2018 sought time to file rejoinder to the reply affidavit filed by the liquidator. Time is granted. Rejoinder is to be filed within 3 weeks by serving copy of rejoinder to the Ld. Liquidator.


Ld. Counsel appearing for the liquidator submits that reply filed in the demurrer application CA(IB)572/KB/2018 is adopted in CA(IB)660/KB/2018

and directed to give copy of the reply affidavit to the Ld. Senior Counsel appearing for the applicant in CA(IB)660/KB/2018. So Misc.A.360/KB/2018 is to be heard along with demurrer application CA(IB)572/KB/2018 and CA(IB)660/KB/2018. As requested list it on 12/11/2018 at 12 O' Clock.

It is submitted by the Ld. Counsel for the respondent that there is change in vakalatnama in CA(IB)572/KB/2018 and leave is sought to file vakalatnama. Vakalatnama is to be filed along with NOC within 7 days.

Ld. Counsel for the respondent in CA(IB)293/KB/2018 despite repeated opportunity has been given for filing of reply affidavit, reply affidavit not seen filed. However, today also Ld. Counsel for the respondent sought further time to file reply affidavit. Though there is no valid reason raised for adjournment, one more chance is given to file reply affidavit. Reply affidavit is to be filed within one week by serving copy to the liquidator and liquidator is directed to file rejoinder, if any, within 7 days by serving copy to the respondent in CA(IB)293/KB/2018. List CA(IB)No.293/KB/2018 as requested on 10/10/2018 for early disposal.

List other CAs along with CP on 12/11/2018 at 12 O' Clock and list CA(IB)No.293/KB/2018 on 10/10/2018.

  
(Jinan K.R.)  
Member(J)