

**NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH, CHANDIGARH**

**CA No.116/2018
IN
CP (IB) No.111/Chd/Pb/2017
(Admitted)**

In the matter of:

Kapil Dev Kansal

...Petitioner-Operational Creditor

Vs.

Yashoda Cotton & General

Mills Pvt.Ltd. & Ors.

...Respondent-Corporate Debtor

And

In the matter of:

Sanjay Kumar Aggarwal

... Applicant-Resolution Professional

Vs.

Yashoda Cotton & General

Mills Pvt.Ltd. & Ors.

...Respondent-Corporate Debtor

Present:

Mr. P.D.Sharma & Mr.G.S.Sarin, Practising Company Secretary
for resolution professional.

Mr. Sanjay Kumar Aggarwal, applicant-resolution professional in
person.

The authorised representative of the resolution professional, inter alia, contends that the directors of the suspended Board of Directors are not co-operating inasmuch as they have not provided books of account and other original records of the company. It is further contended that they have not even handed over possession of the immovable assets and the machinery on which they have taken loan. When the matter was listed on 09.01.2018, taking note of the aforesaid non-cooperation of the directors of the suspended Board of Directors of the corporate debtor, notice was directed to be issued to them to appear in person or through their authorised representative

to furnish reasons regarding their non-cooperative conduct. The matter seems to be quite serious.

Notice of this application to the Respondent Nos.2 and 3 to appear in person for 25.05.2018 and file affidavit in response to this application for taking further action in the matter. The applicant shall collect the notices from the Registry and send the same to Respondent Nos.2 and 3 along with copy of this application and entire paper book by speed post and file affidavit of compliance along with postal receipts and tracking reports.

We are not inclined to issue notice to Respondent No.4 at this stage. However, liberty is granted to the applicant to file application to seek issuance of notice to him in case there are specific allegations against him duly supported by affidavit.

Sd/-
(Justice R.P.Nagrath)
Member (Judicial)

Sd/-
(Pradeep R.Sethi)
Member (Technical)

April 25, 2018
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