

IN THE NATIONAL COMPANY LAW TRIBUNAL
COURT NO. IV, NEW DELHI

C.A. No. 38/2018, C-IV (IB)-560(ND)/2018

In the matter of:

M/s. Gromax India**Applicant**
Vs.
M/s. SBO Export Pvt. Ltd.**Respondent**

Under Section: 9 of IBC, 2016.

Order delivered on 29.08.2018

CORAM

**DR. DEEPTI MUKESH,
HON'BLE MEMBER (J)**

Presents:-

For the Applicant : Mr. Pravin Singh, Adv. & Mr. Atul
Kumar, IRP
For the Respondent : -

ORDER

An application CA 38/2018, C-IV is filed by the IRP Mr. Atul Kumar seeking certain directions with respect to the non-cooperation of the directors of the corporate debtor. The learned counsel states that on several visits to the office of the corporate debtor, few employees were present and were informed that the present directors are not visiting the office premises. Present Directors Mr. Sunil Garg and Mr. Raju Gujral. It was further informed that the founder directors Mr. Manoj Kumar was running the business and in-charge of the assets and proceedings of the company has been arrested by the Economic offences wing. The copy of the complaint, is submitted which contains the name of all three above mentioned directors. The IRP also informed that FIR

has been filed by one of suppliers of the corporate debtor. So far, no papers and proceedings have been handed over by any of the directors but some data was received from the computer records through the employees of the company. COC is formed which has no financial creditors but only operational creditors. The prayer is made and is granted to issue summons on directors Mr. Sunil Garg and Mr. Raju Gujral to remain present on the next date of hearing and give explanation why the cooperation is not extended to the IRP in the CIRP process. With respect to the prayer of direction to the Bank, the learned counsel states that the Bank account of the company of the corporate debtor namely ICICI Bank is blocked and there is meagre balance of less than Rs. 1000/- in the said account hence no direction will serve for the purpose. The application is allowed in terms of the prayer (a). The order be served through dasti on both the directors as Mr. Sunil Garg and Mr. Raju Gujral CA 38/2018, C-IV is disposed of in terms of the above order. For further consideration on 25.09.2018.

Sd/-

**(DR. DEEPTI MUKESH)
MEMBER (JUDICIAL)**

Mukesh

