

BENCH-I

NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA

CA(IB) No.312/KB/2018  
Misc A.No.360/KB/2018  
In CP (IB) No. 03/2017

Present:1. Hon'ble Member (J) Shri Jinan K.R  
2. Hon'ble Member (J) Shri M. B Gosavi

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 02<sup>nd</sup> May 2018, 10.30 A.M

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

1. Mr. Supratim Laha } workers union  
 2. Mr. Bikash Shaw } Workers Union } Bikash Shaw  
 2/5/2018

Sachchida Nandan Dasgupta, Adv } Lawyer  
 1 & 7 in  
 Misc App No. 360/18 } Sachchida Dasgupta  
 Abhishek Sikdar } Abhishek Sikdar  
 Advocate } 02/05/18

1. Mr. Rishav Banerjee, Adv }  
 2. Mr. Arishkek Guha, Adv } - For TDB  
 3. Mr Sk Shahrulk Raja, Adv } Rishav Banerjee  
 2/5/18

1. Manjiv Bhutoria, Adv } Resp No.  
 2. Anamoy Basu } Adv } 16 in  
 Misc A No. 360/2018 } Manjiv Bhutoria  
 ANIRBAN RAY, ADVOCATE } RESP No 15 } 2.5.18

Gishan Chowdhury, Adv } Respondent  
 no. 13 } Gishan Chowdhury  
 2/5/18

1. VINOD KUMAR KOTHARI, Liquidator  
 2. NITU PODDAR, PCS } Vinod Kumar Kothari  
 2/5/18

02-05-2018 - CP(IB) No. 312/KB/2018- CA(IB) No. 293/KB/2018,  
CA(Appeal) No. 364/KB/2018- Misc A. No. 360/KB/2018 in CP(IB) No.  
03/2017 - Nicco Corporatin Limited(In liquidation)

O R D E R

**CP(IB) No.312/KB/2018**

This is an appeal filed by the Financial Creditor under Section 42 of the Insolvency and Bankruptcy Code, 2016.

The applicant contends that his claim has been partly rejected by the Resolution Professional.

Heard.

Reserved for orders.

**CA(IB) No. 293/KB/2018**

The Ld. Counsel on the side of the respondent appeared in CA(IB) No. 293/KB/2018 and sought time to file Reply affidavit.

Leave is granted. Reply affidavit is to be filed by the respondent within seven days by serving the copy to the Liquidator. The Liquidator, in turn, will file the rejoinder, if any within seven days.

List it on 05-06-2018 for further consideration.

**CA(Appeal) No. 364/KB/2018**

The CA is filed by the Operational Creditor who has filed his claim to the tune of Rs. 28 lacs and odd.

The Ld. Liquidator rejected the claim of the Operational Creditor since there was delay in filing the claim under Section 30 of the IBC, 2016. Aggrieved by the order of rejection, the Operational Creditor filed this application for condoning the delay and to issue direction to the Liquidator to consider the claim of the Operational Creditor.

Being satisfied that the delay was not due to any laches on the side of the Operational creditor, we are inclined to allow the application condoning the delay, however, with a cost of Rs. 10,000/- (Rupees ten thousand only) to be deposited in the Prime Minister's Relief Fund payable within ten days from the date of this order.

Upon payment, this application stands allowed.

The Ld. Liquidator is requested to consider the claim of the Operational Creditor on merit.

In the meantime, the Ld. Liquidator is directed to file fresh list of creditors and to consider amendment in the distribution of claims to various stake holders in the process of liquidation, if any.

The CA(Appeal) No. 364/KB/2018 is disposed of, as above.

**Misc A. No. 360/KB/2018**

The Ld. Liquidator filed the affidavit of service proving delivery of the notice of filing this Application to all the respondents.

Out of 16 Respondents, Respondent Nos. 1, 7, 13 and 16 already entered appearance and sought time to file Reply affidavit.

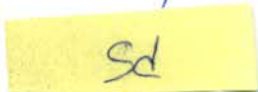
The Respondent No.15 entered appearance today and sought further time to file Vakalatnama and reply affidavit.

Time is granted.

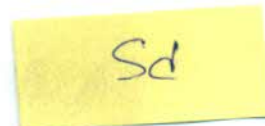
The remaining respondents Nos. 2,3,4,5,6, 8, 9, 10, 11, 12 and 13 called absent and declared ex parte.

Reply affidavit be filed by the respondents within three weeks by serving copy of the reply affidavit to the Liquidator. The Liquidator is directed to file the rejoinder, if any, upon receipt of the reply affidavit.

List it for further consideration on 05-06-2018 along with main CP.



(MADAN B GOSAVI)  
MEMBER(JUDICIAL)



(JINAN K.R.)  
MEMBER(JUDICIAL)