

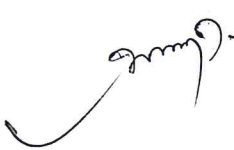
**NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH  
COURT NO.1**

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF NATIONAL COMPANY LAW TRIBUNAL,  
BENGALURU BENCH, BENGALURU, HELD ON 29.03.2019

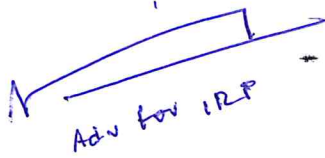
PRESENT: 1.Hon'ble Member (J) Shri Rajeswara Rao Vittanala  
2. Hon'ble Member (T) Dr. Ashok Kumar Mishra

CP/CA No.	Purpose	Sec	Name of Petitioner	Petitioner Advocate	Name of Respondent	Respondent Advocate
CP(IB)No.51/B B/2018	For hearing on for IA 95/19	Sec 7 of I&B code 2016	M/s Oriental Bank of Commerce	Shri V B Ravi Shankar	M/s Associate Décor Limited	M/s Keystone Partners, B T Prasanna Kumar, Asha SM, Pradeep KR & Arun, Advocates in IA 95/19

ADVOCATE FOR PETITIONER/s:

 [PRADEEP.K]

ADVOCATE FOR RESPONDENT/s:

  
Adv for IRP

PTO

**I.A No.95 of 2019 in C.P(IB) No.51/BB/2018**

*Mr. AlokK.Saksena (Resolution Professional)*  
*Represented by M/s. Associate Décor Limited*

Vs.

*Oriental Bank of Commerce*

**ORDER**

1. Heard and Shri Ajay, Learned Counsel for IRP/applicant . Shri Pradeep K, learned Counsel for Financial Creditor. We have carefully perused the pleadings of the parties and also extant provisions of code.
2. I.A No. 95 of 2019 in CP(IB) No.51/BB/2018 is filed by M/s.Associate Décor Ltd represented by IRP Mr. AlokK.Saksena, U/s 60(5) of the I&B Code, 2016, by inter alia seeking the following reliefs:
  - a) To direct the Respondent i.e., M/s.Inland World Logistics Pvt. Ltd, to immediately release the goods belonging to the Applicant which is illegally seized/held by them bearing the following details:

CN No.	Date	Destination	Consignor	Consignee	Vehicle
A43 500 755	18.12. 2018	Delhi	Associate Décor	Sarthak Overseas	HR 648 094
A43 500 759	18.12. 2018	Nagpur	Associate Décor	Crystal Life Style	KA0 7 A 270 7
A43 500 760	19.12. 2018	Nagpur	Associate Décor	Crystal Life Style	KA4 0 A27 07
A43 500 762	22.12. 2018	Ajmer	Associate Décor	Ajmer Wood Products Pvt. Ltd	HR 47 C 309 4
A43 500 737	22.12. 2018	Kolkata	Associate Décor	Tofply wood	AP 03 TE 045 6

- b) To direct the Commissioner of Police, Bangalore to provide adequate help necessary, to the Applicant, so as to recover/get released the goods of the Applicant (mentioned in the table above), which is illegally seized by the Respondent.

*Handwritten signature*

29.03.2019

I.A No.95 of 2019 in  
C.P(IB) No.51/BB/2018

3. Learned Counsel for IRP/Applicant has filed a memo dated 29.03.2019, by enclosing a copy of email dated 28.03.2019 by linter alia stating as follows:

“

i. Since the huge payment was due in past and also current outstanding was due from you, the sales person being layman and under pressure of realizing outstanding from debtors (including you amongst other) as a general practice, used carrier's right under the Carriage by Road Act and Rules and Rules made there under and hold your goods till payments are released, which fact came to the knowledge of the management and directors of the Company after receiving the notice of the above NCLT application.

ii. However, after considering the requests made in your application and also previous communiqué, we hereby request you to get your goods released from our warehouse as per Consignment Note Nos.A435000755, A435000759, A435000760, A435000762 & A435000737 at earliest by paying Rs.3,06,475/- being the current outstanding freight charges. It is pertinent to mention here that the said consignment was booked on "To Pay" basis i.e. payment be made on delivery destination and invoices are issued then and there. Hence, invoices in respect the Consignment Note as mentioned hereinabove shall be issued to you at the time you release your goods on payment of our freight charges. “

4. In view of the facts and circumstances of the case, we disposed of I.A No. 95 of 2019 in C.P(IB) No.51/BB/2018 by directing *M/s. Associate Décor Limited*, the Corporate Debtor, to release above the goods immediately to IRP and the question of payment of Rs.3,06,475/- (Rupees Three Lakhs Six Thousand Four Hundred Seventy Five Only) as demanded, will be decided at time deciding the main Company Petition.

5. Post the CP on **22.04.2019**.

  
**MEMBER(T)**

Raushan

  
**MEMBER(J)**