

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH

(IB)-1138(ND)2018

CORAM:

PRESENT: DR. V. K. SUBBURAJ
HON'BLE MEMBER(T)

MS. INA MALHOTRA
HON'BLE MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 07.06.2019

NAME OF THE COMPANY: M/s R J Packwells Pvt. Ltd. V/s. Nibula Print and Pack Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 9 of IBC, 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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Present for the Petitioner: Mr. Shailendra Singh, Advocate for IRP- Mr. Ashok Kriplani

**Present for the Respondent: Ms. Varsha Banerjee and Ms. Juhi Bhambhani, Advocates
Mr. Pramod Jalan and Mr. Ashok Anand, Advocates for R-3**

ORDER

The grievance of the RP is that the machine allegedly supplied by the non-applicant Respondent no. 1, namely, Viz Graphics Pvt. Ltd., does not bear Sl. No. as per the purchase invoice. It is therefore being alleged that the machine is not the same as purchased by the Corporate Debtor. This fact is repudiated by Ld. Counsel for the non-applicant. It is submitted that the machines are available and they have provided the Sl. No. in the document annexed.

It would be expedient to appoint the Local Commissioner to take the same in custody. The RP is directed to lift the machine immediately and take the same in their custody.

Since it was representative of the Reliance Commercial Finance to whom the machine has been hypothecated, had inspected the machine prior to the hypothecation shall file an affidavit to verify if the machine available is the same. It is also submitted by the RP that other machines used in the business of the Corporate Debtor are also missing. List of the machines as per the documents maintained by the Corporate Debtor be handover in the presence

of the Local Commissioner. Inventory of the stock-in-trade/finished goods as per the statements be also handed over and inventorised.

It is also brought to the notice of this Bench that a truck belonging to the Corporate Debtor is lying within their premises and its documents are also available. It would therefore be expedient to ensure that the custody of the vehicle is also taken over by the RP. The Local Commissioner shall be present to ensure that the said vehicle, along with its registration certificate handed over by the Ex-Directors to the RP in his presence. The Ex-Director, Mr. Indrapal Singh shall be personally present at the time of handing over proceedings of the machine, vehicle which is to be taken from the premises of the non-applicant R-3 as well as handover the documents to the RP under the inventory prepared by the Local Commissioner.

The RP has further alleged that all documents as required have not been handed over by the Ex-Directors and therefore they allege that there has been total non-cooperation on behalf of the Ex-Directors. Ld. Counsel appearing for the Ex-Directors submits that the some of the documents have been supplied. However, he undertakes to supply the list of the documents enlisted in the email dated 22nd May, 2019 within 1 week from today.

CA 695/2019 and CA 694/2019 have been filed praying for recall of the non-bailable warrants issued against the Ex-Directors in this case. The said order has been passed keeping in view the conduct of the parties. Since they are now represented by their counsel and also undertake to participate in handing over the inventorised stock-in-trade, documents and other assets of the Corporate Debtor, the aforesaid order is kept in abeyance.

Copy of the order be given Dasti.

We accordingly appoint Mr. Sumeet Tanwar, Advocate (Mob. 9999750002) as the Local Commissioner. The COC shall fix the date and time for execution of the same. The RP submits that the Commission shall be executed over 2 days at different sites. We accordingly fix the dates of 19th & 20th June, 2019, 12 noon for execution of the Local Commissioner. The fees for execution of the Local Commissioner for 2 dates shall be Rs. 35000/- per day i.e. a total of Rs. 70,000/- plus GST.

To come up for further consideration and report of the Ld. Local Commissioner on 2nd July, 2019.



(V. K. Subburaj)
Member (T)



(Ina Malhotra)
Member (J)