

**IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI**  
**PRINCIPAL BENCH**

**ITEM No. 125**  
**(IB)-597(PB)/2017**

**IN THE MATTER OF:**

Oriental Bank of Commerce

..... Petitioners/Applicant

v.

M/s. Sonear Industries Ltd. & Anr.

..... Respondents

**SECTION : Under Section 7 of the Insolvency & Bankruptcy Code, CIRP**

**Order delivered on 29.11.2018**

**Coram:**

**CHIEF JUSTICE (Retd.) M.M.KUMAR**  
**Hon'ble President**

**Sh. S. K. MOHAPATRA,**  
**Hon'ble Member (Technical)**

**PRESENTS**

For the Petitioner(s):

Mr. Dhruvajit Saikia &  
Mr. Akshay Goel, Advs. for RP

For the Respondent(s):

Mr. Pallav Saxena, Ms. Surabhi Sinha, Advs. for Ex.-  
Management (Jitendra Kejriwal)

**ORDER**

Learned counsel for the RP has filed a counter affidavit on 17.10.2018 and has drawn our attention to the averments made in para 5 (i) to (viii). According to the learned counsel the following documents have not yet been furnished.

- i.** Register of charges, as required under section 85 of the Act.
- ii.** Register of members and other secretarial records under Section 88 of the Act.
- iii.** Register with particulars of Directors and Key Managerial Persons of the Company with the securities held by them in the



company as well as any other Associate Company under section 170 of the Act.

**iv.** Any loan or guarantee provided by the Company under Section 186 of the Act.

**v.** Any contract with a related party within the definition of the Act, as well as any other entity in which the Directors of the Company are interest, under Section 189 of the Act.

**vi.** Books of Accounts, papers and other financial statements of the Company under Section 128 of the Act.

**vii.** Minute book of the company under section 118(1) of the Act.

**viii.** Attendance Registers for Directors of the company, as required under section 118(10) of the Act read with Secretarial Standards 1.”

2. Apart from the aforesaid, the ex.-managing director Mr. Jitendra Kejriwal was required to provide salary receipt of Mr. Ayush Kejriwal for the period 2016-17 and 2017-18 as demanded by the forensic auditor via email dated 05.10.2018. Some salary slips pertaining to the year 2016-17 were provided but in respect of subsequent years the documents have not been provided despite following up the forensic auditor. Copies of the emails have been placed on record. It has further been asserted as under:-

“Furthermore, certain records of the Corporate Debtor had been seized by a joint team of Central Excise Commissionerate, Rohtak and Central Excise Delhi-I. Panchnama of the seizure dated December 7, 2018 and December 8, 2016 have been attached and marked as Annexure-2 ‘colly’. While the Resolution Professional is making all efforts to extract the documents, the Respondents are

also not cooperating in the same, as evidenced by the e-mails exchanged with the Respondents dated October 11, 2018. A copy of the e-mails have been attached and marked as Annexure-3.

A list of documents yet to be provided, as elucidated hereinabove, was sent to the Respondents through e-mail dated October 13, 2018. (attached and marked as Annexure-4). However, the Respondents have not provided the documents to the Applicant to date.”

3. During the course of arguments, learned counsel for the RP has also highlighted that the corporate debtor has total area of 200 sq. yard which has also not been handed over to the RP and only 60 Sq. yard area has been handed over to him. We direct the ex.-manging director Mr. Jitendra Kejriwal to immediately comply with the provisions of law. He shall surrender the documents and the whole area of the corporate debtor to the RP. An affidavit filed by him on 05.10.2018 is far from satisfactory and borders on concealing and mis-stating vital facts. If the needful is not done by the adjourned date then he shall remain present in person and the proceedings under the provisions of Insolvency and Bankruptcy Code, 2016 and the Companies Act, 2013 shall be initiated. The RP shall serve a copy of this order to Mr. Jitendra Kejriwal at the earliest.

4. List on 06.12.2018.



**(M.M.KUMAR)  
PRESIDENT**



**(S. K. MOHAPATRA)  
MEMBER (TECHNICAL)**