

IN THE NATION COMPANY LAW TRIBUNAL : NEW DELHI

COURT-III

IB-22(ND)/2018

IN THE MATTER OF:

Oriental Bank of Commerce

.....PETITIONER

vs

M/s Shekar Resorts Ltd. & Ors.

.... RESPONDENT

SECTION

Under Section 7 IBC 2016

Order delivered on 13.02.2019

Coram:

R.VARADHARAJAN,

Hon'ble Member (Judicial)

For the Petitioner/Applicant

: Mr. Abhishek Anand, Mr. Tushar, Advocate

For the Corporate Debtor

:


ORDER

CA No. 427 of 2018. Learned counsel for the RP represents that even though appeal has been filed in relation to the order passed by this Tribunal dated 11.09.2018, however specific direction has been issued to the RP by Hon'ble NCLAT to keep the corporate debtor as a going concern and that no stay has been granted in relation to the proceedings namely CIRP of the corporate debtor. It is further represented by learned counsel for the RP that upon publication issued calling for expression of interest four persons have responded with their expressions and that there is every chance of resolution going through in relation to the corporate debtor. Even though expression of interest has been received from four persons, however in view of the particulars not being furnished by the respondents in CA No. 427 of 2018 namely respondents No. 1,2 and 3 who are the Directors of the Company whose powers stand suspended in view of CIRP and respondent No. 4 being a Chartered Accountant/Financial Professional entrusted by the Board of Directors whose powers stands suspended to provide details to the Resolution Professional. It is also pointed out by learned counsel for the RP that notice was taken pursuant to the order dated 25.01.2019 to all the

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respondents and that even though the service to respondents No. 1, 2 and 4 has been successful as evidenced from the Tracking report, however in relation to R3 it is represented by learned counsel for the RP that R3, it is evident has deliberately avoiding the notice in relation to the application. It is further pointed out by learned counsel for RP that addresses has been obtained from Master Data has ^{main} contained by MCA in relation to the address of R1 to R3 and while R1 has received the notice of this application but however R3 is trying to avoid the notice of this application ^{at the same address}. It is also pointed out by learned counsel for the RP in this regard of the earlier communication of this application which was sent to the respondents and which has been filed dated 22.01.2019 and in this connection it is pointed out at page No. 15 of the said filing. It is seen that the postal endorsement discloses it has been redirected. In the circumstances a final opportunity is granted regarding the sending of notice to R3 once again through all modes of service as may be available at the disposal of RP within one week from today.

Post this application on 27.02.2019.


(R. VARADHARAJAN)
MEMBER (JUDICIAL)

Varinder Kumar