NATIONAL COMPANY LAW TRIBUNAL GUWAHATI BENCH GUWAHATI

IA No.25/GB/2021 IN C.P. (IB)No.03/GB/2020

Coram:

Hon'ble Shri H. V. Subba Rao, Member (J): Hearing through Hon'ble Shri Prasanta Kumar Mohanty, Member (T): Video Conference

ATTENDANCE-CUM- ORDER SHEET OF THE HEARING OF GUWAHATI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 13.08.2021

Name of the Company: Mr. Kamal Agarwal, RP

V/s

Volkswagen Finance Pvt. Ltd. & others

Section of the Companies Act: Under Section 33(2) of IBC, 2016 read with rule 11

of NCLT Rules, 2016

<u>S. NO</u> .	. <u>NAME (CAPITAL LETTERS)</u>	DESIGNATION	REPRESENTATION	<u>SIGNATURE</u>
1.	MR. KAMAL AGARWAL	RP	in person	Present in
2.	MR. G. P. MADAN	Advocate	Ex-RP	Video
3.	MR. AMIT PAREEK	Ex-RP	in person	Conference

ORDER Date of Order: 13.08.2021

The matter is taken up for hearing through Video Conferencing. Mr. Kamal Agarwal, RP is present in person. Learned Counsel Mr. G. P. Madan is present representing the ex-RP. Heard both the sides.

2. This Petition is filed for liquidation of the Respondent No.1 Company. Since the Transaction Audit is not complete and the exact position of the assets and liabilities of the CD are not known, Liquidation Petition is not taken up now. During the course of hearing, the learned Counsel for the ex-RP has submitted that a Resolution Plan is available which may be submitted by the Resolution Applicant for this MSME Unit for which he wants to be in touch with the RP. Since no Resolution Plan is available till date, the RP has welcome the gesture of the ex-RP/ learned Counsel for the ex-RP. Liquidation is the last resort and the RP must explore the possibility of finding out a viable Resolution Plan for this MSME Unit without further loss of time. The learned Counsel for the ex-RP has submitted that his bills have not been fully settled. On the other hand, the RP has submitted that the fees of the ex-RP has been fully paid as per the order of this Hon'ble Bench. However, the other bills submitted by the ex-RP are not proper. Hence, those bills have not been paid.

- 3. Heard both sides and the RP is directed to file his reply within 7 days from today on the bills raised by the ex-RP but not settled for disposal of the matter.
- 4. List the matter on 01.09.2021.

Sd/(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/Deka-13.08.2021/

Sd/-(H. V. Subba Rao) Member (Judicial) & Adjudicating Authority