

**DIVISION BENCH**

**O-102**

**NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

C.P. (IB)/762(KB)2017  
IA/463(KB)2021  
IA/550(KB)2021

**Present: 1. Hon'ble Member(J), Shri Rajasekhar V.K.  
2. Hon'ble Member(T), Shri Harish Chander Suri**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 16<sup>th</sup> July, 2021, 10:30  
A.M**

Name of the Company	NOOR ALAM & OTHER Vs. PRISM INFRACON LIMITED		
Under Section	IBC under Sec 7 (LIQUIDATION)		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

**Appearance (via video conference)**

IA No. 550 of 2021

Mr. Jishnu Choudhury, Advocate  
Mr. Sankarsan Sarkar, Advocate  
Mr. Shwetaank Nigam, Advocate

IA/463(KB)2021 (For Liquidator)

Mr. Sankarsan Sarkar, Advocate  
Mr. Shwetaank Nigam, Advocate

For the Respondent

Ms. Shivangi Thard, Advocate

## **ORDER**

Mr. Jishnu Choudhury, along with Mr. Sankarsan Sarkar and Mr. Shwetaank Nigam, Ld. Counsel for the applicant in IA/550(KB)2021 present. Mr. Sankarsan Sarkar, along with Mr. Shwetaank Nigam, Ld. Counsel for the Liquidator present. Ms. Shivangi Thard, Ld. Counsel for the respondent present.

**IA/550(KB)2021**- Registry is directed to issue notice on all the respondents by speed post and email. Liquidator shall provide exact address and email address for each of the respondents wherever available to the Court Officer by the end of the day. List the matter on 03.09.2021.

**IA/463(KB)2021**- This is an application filed by the Liquidator seeking leave of this Adjudicating Authority to make payment of a sum of Rs. 1.52 Crore to the respondents in terms of some agreement entered in between the Liquidator and the respondents, details of which have not been placed on record. Upon specific query as to which provision of the Liquidation Process Regulations requires the approval of the Adjudicating Authority for this. The Ld. Counsel is unable to answer. He submits that this is only by way of abundant caution. Decisions that ought to be taken by the Liquidator should be taken by the Liquidator and not by the Adjudicating Authority. Therefore, this Adjudicating Authority declines to exercise its residuary power to grant relief sought for when the liquidation process does not require Adjudicating Authority to do so. In these circumstances, IA/463(KB)2021 stands dismissed.

**(Harish Chander Suri)**  
**Member (Technical)**

**(Rajasekhar V.K.)**  
**Member (Judicial)**