

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

**Review Petition No.01/GB/2018
IN
C.P.No.14/GB/2017**

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 24.08.2021**

Name of the Company: Goel Marketing and Distribution Co. Ltd. & Ors.
 V/s
 Mukesh Goel and others

Section of the Companies Act: Under Section 420(2) of the Companies Act, 2013

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. RAKESH DUBEY	Advocate	Petitioners	Present in
2.	MS. SWETABHARTI	Advocate	Respondents	Video
3.	MR. AVINASH SINGH	Advocate	Respondents	Conference

**ORDER
Date of Order: 24.08.2021**

Matter is taken up today for hearing through video conferencing. Heard both the sides. Seven days' time is given to both the parties to file further submissions, if any, in 4/5 pages by exchanging copy thereof with each other.

2. **Matter is reserved for orders.**

**Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
/Deka-24.08.2021/**

**Sd/-
(H. V. Subba Rao)
Member (Judicial)**

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

**Cont. Petition No.04/GB/2018
IN
C.P.No.14/GB/2017**

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 24.08.2021**

Name of the Company: Mukesh Goel and others
V/s
Goel Marketing and Distribution Co. Ltd. & Ors.

Section of the Companies Act: Under Section 425 of the Companies Act, 2013

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. RAKESH DUBEY	Advocate	Petitioners	Present in Video
2.	MS. SWETA BHARTI	Advocate	Respondents	Conference
3.	MR. AVINASH SINGH	Advocate	Respondents	

ORDER

Date of Order: 24.08.2021

Matter is taken up today for hearing through video conferencing. Heard both the sides. The matter is adjourned.

2. **List the matters on 09.09.2021.**

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
/DeKa-24.08.2021/

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

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

**IA No.94 of 2018
IN
Cont. Petition No.04/GB/2018
IN
C.P.No.14/GB/2017**

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 24.08.2021**

Name of the Company: Mukesh Goel and others
V/s
Goel Marketing and Distribution Co. Ltd. & Ors.

Section of the Companies Act: Under Rule 43 read with Rule 11 of the NCLT
Rules, 2016

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. AVINASH SINGH	Advocate	Petitioners	Present in
2.	MS. SWETA BHARTI	Advocate	Petitioners	Video
3.	MR. RAKESH DUBEY	Advocate	Respondents	Conference

**ORDER
Date of Order: 24.08.2021**

Matter is taken up today for hearing through video conferencing. Learned Counsels Ms. Shweta Bharti and Mr. Avinash Singh are present on behalf of the Petitioners. The learned Counsel Mr. R. Dubey is present for the Respondent. Hard both the sides. The learned Counsel for the Petitioner has submitted that his clients – Directors are not allowed to have access to the documents/ ledgers etc. On the other hand, the learned Counsel for the Respondents has submitted that he is not obstructing the other Directors to come to the office of the Company and see the ledgers and documents. He has submitted that he would file an Affidavit to this effect within 7 days from today.

3. List the matters on 09.09.2021.

Sd/-

**(Prasanta Kumar Mohanty)
Member (Technical)**

/Deka-24.08.2021/

Sd/-

**(H. V. Subba Rao)
Member (Judicial)**

3. In view of this, this matter is adjourned.
4. **List the matter on 07.09.2021 along with TP No.26/GB/2016.**

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
/Deka-24.08.2021/

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

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

**IA (IBC) No.46 of 2021
IN
C.P. (IB)No.09/GB/2019**

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 24.08.2021**

Name of the Company: Stressed Assets Stabilization Fund (SASF)
Versus
Piyush Periwal and Sandeep Khaitan

Section of the Companies Act: Under Section 60(5) of IBC, 2016

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. MRINMOY DUTTA	Advocate	Petitioner (SASF)	Present in Video Conference
2.	MR. ABHISHEK PRASAD	Advocate	For RP	

ORDER

Date of Order: 24.08.2021

The matter is taken up for hearing through Video Conferencing. Heard the learned Counsels present. Matter is adjourned. Both the parties are given liberty to file reply, if any, within 7 days from today by exchanging copy thereof with each other.

2. Matter is reserved for orders.

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/Deka-24.08.2021/

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

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

**Cont. Application No.1/2021
IN
CP (IB)/09/GB/2019**

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 24.08.2021**

Name of the Company: Mr. Sandeep Khaitian, IRP
 V/s
 Piyush Periwal & others

Section of the Companies Act: Under Section 74 of the IBC, 2016

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. ABHISHEK PRASAD	Advocate	for RP	Present in
2.	MR. ABHIJIT SARKAR	Advocate	for Piyush Periwal	Video Conference

ORDER

Date of Order: 24.08.2021

The matter is taken up for hearing through Video Conferencing. Heard both the sides. Liberty is given to the RP to file written statement, if any, within 7 days from today. Copy of the same is to be given to the other side.

2. **Matter is reserved for orders.**

**Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
*/Deka-24.08.2021/***

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

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

**IA No.51 of 2020
IN
C.P. (IB)No.09/GB/2019**

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 24.08.2021**

Name of the Company: Sandeep Khaitan,RP
V/s
Piyush Periwal & Others

Section of the Companies Act: Under Section 25(j), 43, 45, 49 read with Section 44,
48, 66 of IBC, 2016

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. ABHISHEK PRASAD	Advocate	Petitioner	Present in Video Conference
2.	MR. ABHIJIT SARKAR	Advocate	Respondent	

ORDER

Date of Order: 24.08.2021

The matter is taken up for hearing through Video Conferencing. Heard both the sides. The Respondents may file fresh comprehensive reply in 4/5 pages within 7 days from today giving copy to the Petitioner. The Petitioner may file his rejoinder / reply, if any, within 7 days thereafter.

2. **List the matter on 17.09.2021.**

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/Deka-24.08.2021/

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

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

**IA/31/2021
IN
CP (IB)/09/GB/2019**

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 24.08.2021**

Name of the Company: Mr. Sandeep Khaitian, RP
V/s
Committee of Creditors of NPIL

Section of the Companies Act: Under rule 30(6) read with section 31(1) and 60(5)
of IBC, 2016

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. ABHISHEK PRASAD	Advocate	Petitioner/RP	Present in Video
2.	MR. MRINMOY DUTTA	Advocate	Respondent/CoC	Conference

ORDER

Date of Order: 24.08.2021

The matter is taken up for hearing through Video Conferencing. In view of the hearing of IA No.46/2021, Cont. A/1/2021, IA No.51/2020 and IA No.30/2021, this matter is adjourned.

2. List the matter on 17.09.2021 along with all the related IAs.

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical) &
Adjudicating Authority
/Deka-24.08.2021/

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

**NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH
GUWAHATI**

**IA (IBC) No.47 of 2021
IN
C.P. (IB)No.09/GB/2019**

Coram:

Hearing through
Hon'ble Shri H. V. Subba Rao, Member (J):
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 24.08.2021**

Name of the Company: Piyush Periwal and Sandeep Khaitan
Versus
Stressed Assets Stabilization Fund (SASF)

Section of the Companies Act: Under Section 60(5) of IBC, 2016

<u>S. NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
1.	MR. ABHIJIT SARKAR	Advocate	Mr. Piyush Periwal	Present in Video
1.	MR. MRINMOY DUTTA	Advocate	Respondent (SASF)	Present in Video
2.	MR. ABHISHEK PRASAD	Advocate	For RP	Conference

ORDER

Date of Order: 24.08.2021

The matter is taken up for hearing through Video Conferencing. Heard the learned Counsels present.

2. The learned Counsel of the Petitioner has submitted that on 18.08.2021, it came to the notice of the Petitioner that 2 (two) new trademark applications of brand name "NATIONAL" (LABEL) BEING APPLICATION No.5028185 in class-19 and application no. 5028186 in class-20 were filed in CD's name on 02.07.2021. (Copy of the said two applications are annexed with the application and marked as ANNEXURE –A5) of which the CD and the CoC was not aware of.

He has further submitted that on detailed scrutiny to the said applications it reveals that the said applications were filed by an agent TRADEMARK REGISTRATION BUREAU under the instruction of the Respondent No.1, having applicant address mentioned in the applications as SANMATI PLAZA, 2ND FLOOR, CHRISTIAN BASTI, G. S. ROAD, GUWAHATI – 781 005, ASSAM, which is the address of the Respondent No.1 and not of the CD. A General Power of Attorney was filed along with the said applications which contains the signature of the Respondent but does not specify under which authority the said General Power of Attorney was executed by the Respondent No.1.

Further, he has submitted that an order be passed directing the Respondent No.1 to withdraw the application **No.5028185 in Class -19** and application **No.5028186 in Class-20** filed on 02.07.2021 immediately and he has prayed for admission of this Application.

3. On the other hand, the RP and his Counsel have submitted that the contention of the Petitioner is not correct.

4. The CD is under moratorium. CIRP is going on. At this stage, no one is having authority to change the trademark of the CD. The Counsel for the Respondent has prayed for seven days' time to file submission. Seven days' time is granted. The copy of the reply is to be given to the Petitioner. The Petitioner is given another seven days' time to file rejoinder, if any.

5. The RP is directed not to ensure that the Trade Mark of the CD is not changed when the CD is under CIRP/Moratorium.

6. List the mater on 17.09.2021.

Sd/-
(Prasanta Kumar Mohanty)
Member (Technical)
& Adjudicating Authority
/Deka-24.08.2021/

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