

106

BENCH-I

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P.(IB) No.523/KB/2017

**Present: Hon'ble Member (J) Shri Vijai Pratap Singh
Hon'ble Member (J) Shri Jinan K.R**

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 29th November 2017, 10.30 A.M

Name of the Company		Atul Rastogi-Versus-Duncans Industries Ltd.	
Under Section		9 IBC	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1.	RISHAV BANERJEE, ADV	Corporate	Rishav Banerjee
2.	SOUVIK MAZUMDAR	Debtor	29/11/2017

1.	Sannabha Ghose	Applicant	Sannik Kundu
2.	Sannik Kundu		29/11/2017

ORDER

Ld. Counsel for the operational creditor and the corporate debtor are present.

Ld. Counsel for the operational creditor has informed that in compliance of provisions of Section 9(3)(c), he has approached to the Bank and Bank has issued a letter, which is not in compliance of section 9(3)(c) of the I & B Code. Section 9(3)(c) provides that bank has to issue a certificate confirming that there is no payment of an unpaid operation debt by the corporate debtor. Operational creditor has

informed that he has maintaining accounts with the Axix Bank and bank has to certify whether the corporate debtor has made payment of any disputed amount of Rs. 61 Lakhs in the account of the operational creditor. Bank is to comply with the provisions of Section 9(3)(c) of the I & B Code, 2016 and issue certificate within 7 days from today on submissions of this order. Let a copy of the order be served on the Bank for issuing certificate.

List on 12/12/2017.

Office is directed to issue certified copy of the order on urgent basis upon compliance of all requisite formalities.

Sd

(Jinan K.R.)
Member (J)

Sd

(V.P.Singh)
Member (J)