

BENCH-I

**NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

C.P (I.B).No.181/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 08<sup>th</sup> November 2017, 10.30 A.M**

Name of the Company		Radico Khaitan Limited.-Versus-Ajudhia Distributors Ltd.	
Under Section		9 (1) I B C	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

MR. ARNAB DUTTA

Ms. BANOSHREE MUKHERJEE

Radico  
Khaitan

8/11/17

**ORDER**

Ld. Counsel for the operation creditor are present.

C.A. (IB) No. 418/KB/2017 has been filed by the Resolution Professional (RP) u/s. 70 of the Insolvency and Bankruptcy Code, 2016 (IBC) with a prayer to issue appropriate directions and to punish the officer, director and representative of the corporate debtor under section 70 of IBC on the ground that in spite of the direction of the NCLT, Kolkata Bench, corporate debtor, Ajudhia Distributors Ltd., are not extending assistance and cooperation to RP, to manage the affairs of the corporate debtor.

RP has further mentioned that in view of the above he is unable to carry out his duties and responsibilities as RP.

By an order dated 09/10/2017 show cause notice was issued to the Director and the corporate debtor which was served on the corporate



debtor by e-mail on 10/10/2017 and the affidavit of service has been duly filed by the operational creditor. In spite of service of notice no one appeared from the corporate debtor's side and no reply has been received by the Tribunal.

Since the corporate debtor is not cooperating with the RP and in spite of notice no reply has been submitted we are satisfied that corporate debtor is deliberately disobeying the direction of this Tribunal. This is a fit case to impose penalty for the disobedience of this Tribunal direction. Accordingly, we hereby impose penalty of **Rupees Three Lakhs** on the Director, Mr. Mohit Korpai. He is directed to deposit the amount within 15 days from today, failing which the amount will be recovered from the corporate debtor in accordance with law.

Petitioner is again directed to serve copy of this order on the director Mr. Mohit Korpai and file affidavit of service within 7 days from today.

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

List on 04/12/2017 for further order.



(Jinan K.R.)  
Member (J)



(Vijai Pratap Singh)  
Member (J)