

**NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH**

**CORAM:**

(IB) 211 (ND)/2017

**PRESENT: SH. S. K. MOHAPATRA**  
**HON'BLE MEMBER(T)**

**SMT. INA MALHOTRA**  
**HON'BLE MEMBER (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING BEFORE NEW  
DELHI BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON  
06.10.2017**

**NAME OF THE COMPANY: M/s M Y Agro Pvt. Ltd. Vs. M/s Amira Pure  
Foods Pvt. Ltd.**

**SECTION OF THE COMPANIES ACT: 8 & 9 of IBC, 2016**

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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<b>Present:</b>	Ms. Ruchin Midha, Advocate for the Petitioner			
	Mr. Manoj Pandey, Proxy Counsel			
	Mr. Rajeev Kumar, Officer of Axis Bank			
	Mr. Rakesh Kumar and Mr. P. K. Sachdeva, Advocates for Respondent no. 11			
	Ms. Naina Vashisht, Advocate for Respondent no. 12			
	Mr. Sanjeev, Advocate for Contemnor 1 – 8			
	Mr. S. L. Gupta and Mr. Mithilesh Pal, Advocates for Contemnor no. 9			

**ORDER**

Ms. Naina Vashisht, Advocate representing Respondent no. 12, prays for some time to file her reply as to whether any action is contemplated against Respondents 1 to 8, keeping in view that the direction for police assistance and appointment of a Local Commissioner were taken from his office under Section 14 of the SARFAESI, which is sought to be retracted and denied before this Bench. The contemnors are therefore guilty of misleading Respondent no. 12. Proposed action, if any, against contemnors 1-8 be communicated to this Bench by the next date i.e. 9<sup>th</sup> October, 2017.

Mr. Rahul Dhanna, Respondent No. 11, Local Commissioner is present in Court and has stated that the lock of the godown was broken by the SHO

(Sapna Bhatia)


present with his team. He submits that he received due intimation only on 11<sup>th</sup> September, 2017 and after receiving the notice of the moratorium, he stopped removal of goods at 3 p.m. on 11<sup>th</sup> September, 2017 itself. Thereafter no further goods have been repossessed by him. The custody of the repossessed goods was handed over to the bank officials.


A request for an adjournment is being made on behalf of the Contemnors 1 to 8 on the grounds that Dr. U. K. Chaudhary, Ld. Sr. Counsel appearing for them is unable to appear in court today.

Ld. Counsels appearing for Respondents No. 10 & 11 also pray for some time to inspect the IRP's Report. The Local Commissioner shall also file his report as to how much quantity was removed from the godown. His list of handing over be filed in Court.

This Bench is further informed that the Committee of Creditors has proposed the name of another Resolution Professional i.e. Mr. Ashok Kumar Gulla, Registration No. IBBI/IPA-003/IP-N00024/2017-18/10174. His name be forwarded to the IBBI for confirmation by the Bench Officer. Report be awaited on 17<sup>th</sup> October, 2017. In the meantime, the IRP shall continue to function as the RP till his replacement is duly appointed.

To come up on 17<sup>th</sup> October, 2017.

  
**(S. K. Mohapatra)**  
**Member (T)**

  
**(Ina Malhotra)**  
**Member (J)**