

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH

(IB)-212 (ND)/2017

CORAM:

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 24.10.2017

NAME OF THE COMPANY: M/s Innovative House Industries Pvt. Ltd. V/s M/s Jap Infratech Pvt. Ltd.

SECTION OF THE COMPANIES ACT: 9 of IBC, 2016

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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For the Petitioner (s) : Mr. Manish Paliwal

For the Respondent (s) : Mr. Chandra Shekhar Yadav, Advocate

ORDER

CA No. 373/2017

This CA has been filed by the ex-Directors of the Corporate Debtor impugning the decision of this Bench to admit the petition against them. The grounds for impugning the same is that the very basis of Insolvency Resolution Process is vitiated as the notice under Section 8 is not legally founded, having been issued by an Advocate who was not duly authorised by the Petitioner. The Petitioner/Operational Creditor, however, disputes the same.

Notwithstanding the same, it is beyond the scope and jurisdiction of this Bench to overturn its decision of Admission. The grievance of the ex-Directors, if any, can be duly redressed in Appellate proceedings only. It is incomprehensible as to why objections were not raised at the appropriate

(Sapna Bhatia)

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stage by the applicants, who chose to remain blissfully absent despite service and did not mind being proceeded ex-parte. This prayer made in this CA therefore cannot be entertained and the same is being dismissed without notice to the opposite counsel/IRP.


Another application CA No. 275/2017 has been filed by the IRP presenting his difficulties in executing his statutory duties. It is submitted that the ex-Directors, Company Secretary, Chartered Accountant etc., of the company are not cooperating with him. There is no office existing at the registered address of the company and in view of the same he is facing acute difficulty in complying with his mandate.

Since the Ld. Counsel for the ex-Directors is present in Court and they are therefore duly represented, it is directed that they as well as all employees of the company, i.e. the Company Secretary/ Chartered Accountant and others shall fully cooperate with the IRP in this case. In case of non-cooperation or failure to provide assistance, the IRP will be entitled to take Police aid from the concerned Police Station.

Both the CAs stand disposed off in terms of the above.



(S. K. Mohapatra)
Member (T)



(Ina Manojan)
Member (J)