

(8)

Bench No. I

**NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA**

C.P.No.168/2017
CA(IB) No. 301/KB/2017
CA(IB) No. 302/KB/2017

Present: Hon'ble Member (J) Shri Vijai Pratap Singh

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 31st July, 2017, 10.30 A.M

| | | | |
|---------------------|--|--|------------------------|
| Name of the Company | | M/s. Naresh Kumar & Company Pvt.Ltd. -Versus- Kalyanpur Cements Ltd. | |
| Under Section | | 9 I.B.C | |
| Sl. No. | Name & Designation of Authorized Representative (IN CAPITAL LETTERS) | Appearing on behalf of | Signature with date |

1. SACHIN KUMAR
Kalyan Pur Cements Ltd
Corporate Debtor
Surinder Kumar }
Kalyanpur Cements Ltd. Sachin Kumar
31/7/2017

2. Mr. D.N. Sharma, Advocate
Mrs. Aarti Loyal Agarwal, Advocate
Mr. Sanjay Gurodia, Advocate }
Applicant in
CA 301/KB/2017
1 R.P

Adv. D.N. J
31/7/2017
J. Sanjay G

4. Arvind Gupta, Advocate
ACRE
Assets Care and
Reconstruction Enterprise
Pvt. Ltd. Arvind G.
31/07/17

Arvind G.
31/07/17

ORDER

Ld. IRP, Shri Arun Gupta and Ld. Counsels for the operational creditor and the corporate debtor as well as the applicant of I.A.No. 301/2017 are present.

I.A.No. 301/2017 has been moved by Mr. Pawan Kumar Bagla with a prayer for declaring that the subject premises no. 9, Bhukailash Road (also comprising premises no. 3/1, Ismail Ostager Lane and premises no. 57/1, Hossain Shah Road), Police Station Ekbalpore, Kolkata 700 023 is onerous to the operational debtor and is an excluded asset within the meaning of the Insolvency and Bankruptcy Code, 2016 and the applicable Rules framed thereunder.

Applicant is not an operational creditor nor financial creditor. His claim is based on the pending civil suit in the Court. He claims to be a tenant of the property since 1958. Applicant may file his claim before the IRP and ~~on~~ the issue of maintainability will be decided by the IRP.

It appears from the record that CoC has passed a resolution for change of IRP and recommended appointment of Shri Debesh Desai as

RP and NCLT has forwarded his name to IBBI for approval. But till date approval has not come. In anticipation of IBBI's approval I hereby appoint Shri Debesh Desai as Resolution Professional. Information should be sent to the IBBI.

List the matter on 21/08/2017.

Sdr
(Vijai Pratap Singh)
Member (J)