

BENCH-I

NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA

CP(IB) No.170/KB/2017  
C.A.(IB) No.50/KB/2018

Present: 1. Hon'ble Member (J) Shri Vijai Pratap Singh  
2. Hon'ble Member (J) Shri Jinan K.R

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 15<sup>th</sup> January 2018, 10.30 A.M

Name of the Company	RBL Bank Ltd-Vs-MBL Infrastructure Ltd		
Under Section	60 IBC		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. Jayoti Singh { Adv. Sanjeev Ahuja. Rahul Anddy  
2. Rahul Anddy { R.P. 15/1/18.

1. Sanjeev Ahuja. self. Sanjeev Ahuja  
R.P. 15/1/18.

1) Mr. Siddhartha Sharma, Adv } for  
2) Ms. Nauheed Reza, Adv } Purfah National  
Bank

OP Je  
15/1/18

1. MR. RATNANKO BANERJI, S. Adv.  
2. MR. D. N. SHARMA, Adv. } For the  
3. MS. NEHA SOMANI, Practising Company Secretary } Resolution  
Applicant,  
Mr. Anjanee  
Kr. Lakhotia

Somani  
15/1/2018

① Mr. Balaram Panerit, Adv. }  
② Ms. Manini Kalgi, Adv } SBD

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15/1/2018

## ORDER

Ld. Resolution Professional (RP) as well as Ld. Counsel for the RP, financial creditor and the Ld. Counsel for the Resolution Applicant is present. No one is present from the corporate debtor's side.

CA (IB) No. 50/KB/2018 has been filed by the Resolution Applicant seeking certain directions against the dissenting creditors. Ld. Counsel appearing on behalf of the Resolution Applicant has also emphasised on the order passed in **Company Appeal (AT) (Insolvency) No. 330 of 2017** by the Hon'ble NCLAT dated 11/01/2018. It appears from the said order of the Hon'ble NCLAT that directions has been passed as follows :

*"Post the matter on 25<sup>th</sup> January, 2018 along with Company A/[ea; (AT) (Insolvency) No. 01/2018.*

*In the meantime, the Adjudicating Authority may pass any appropriate order in the interest of the company and stakeholders, but will not pass any order accepting the resolution plan."*

In view of the order of the Hon'ble NCLAT any decision on the resolution plan cannot be taken without a further directions from the Hon'ble NCLAT.

However, Resolution Applicant has filed CA (IB) No. 50/KB/2018 with a prayer as follows :

*"(a) Notice of this application be given to the members of COC mentioned in paragraph 4(dd) to ascertain their views and to reconsider their decision in*

*8d*

*8d*

*the matter of approval of the final resolution plan of  
MBL Infrastructure Ltd. Submitted by the applicant;"*

Let notice be issued on the dissenting creditors and creditor , who have abstained from voting regarding their opinion. Resolution Professional may issue notice in terms of prayer (a) on the dissenting creditors.

RP has filed the further report, which may be taken on record.

List it instead of 16/01/2018 on **31/01/2018** along with the pending C.A., if any.

*Sd*

(Jinan K.R.)  
Member (J)

*Sd*

(V.P.Singh)  
Member (J)