

NATIONAL COMPANY LAW TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

C.P NO.(IB)-09(PB)/2017
CA NO.

CORAM:

PRESENT: CHIEF JUSTICE M. M. KUMAR
Hon'ble President

SH. S.K MOHAPATRA
Hon'ble Member (T)


ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF PRINCIPAL BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 09.03.2017

NAME OF THE COMPANY:

Tomorrow Sales Agency Pvt.
V/S
Raipur Power and Steel Ltd. & Ors.

SECTION OF THE COMPANIES ACT: U/s 7 of Insolvency And Bankruptcy Code 2016

S.NO. NAME DESIGNATION REPRESENTATION SIGNATURE

1.	Dr. U.K. Chaudhary, Sr. Adv.		} Petitioners	
2.	MR. Deepak Biswas, Adv.			
3.	MR. Himanshu Vij, Adv.			
4.	MR. Man suymes Singh, Adv.			
5.	MR. Arjun Menocha, Adv			
6.	Mr. Nishith Mishra, Adv			
7.	Mr. Sourav Vig, Adv			
8.	Mr. Abhinav Shirastar, Adv		} - operational creditor	
9.	Mr. Sameer Jain, Adv			
10.	Mr. P. B. Kapur (Sr. Adv)		} Respondents for All	
11.	Mr. Varun Jain (Adv)			
12.	Mr. Navin Kumar (Adv)			
13.	Mr. Vishwadeep Hooda (Adv)			

ORDER

As per the directions issued by the NCLAT (Appellate Tribunal) the respondent herein (appellant before NCLAT) has been directed that by the next date the respondent may clear the

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dues of rest of the financial creditors and other creditors, if any. However, we find that various claims have been submitted to the Insolvency Professional after issuance of advertisement. There are no dues statements issued by Canara Bank, IDBI Bank, Union Bank of India, United Bank of India and Bank of Baroda. However, the claims have also been received from M/s. Lal Traders, Ghanshaym Pvt. Ltd., Mayur Bhuj Pvt. Ltd. and Shivam Om Material Ltd.

Mr. Grover, learned Insolvency Professional has represented that he is not permitted to access the record of the company in accordance with the directions issued by this Tribunal in the order dated 23.02.2017. According to the learned Insolvency Professional he took police help after he failed in his first two visits because he was stopped by muscle-men. In fact after the passing of order dated 23.02.2017 the management of the company vests with Insolvency Professional as the assets of the company are in the custody of this Court. Any violation of that order would result in contempt of Court. We would not hesitate to initiate contempt proceedings u/s 425 of the Companies Act, 2013.

Mr. Kapoor on behalf of the respondent company undertakes that Insolvency Professional shall not be obstructed by the Ex-management or any other worker of the respondent company and he would be allowed to function in accordance with the directions issued in the order dated 23.02.2017. With regard to the claims received by the Insolvency Professional he shall file his report on or before 20.03.2017. A copy of the report be sent by email to all the parties. E-mail addresses of the parties are as under:

Abhinav Shrivastava, Advocate for operational creditors – abhinav@coas.co.in


For petitioners – contact@sandbpartners.com


Varun.jain@akjlaw.in

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We make it clear that if the Insolvency professional confront any obstruction/violence then the Director General of Police, Chhattisgarh shall be contacted by the Insolvency Professional. We request the DGP to Chhattisgarh depute sufficient police force to enable the Insolvency Professional to function in accordance with the directions issued in our order dated 23.02.2017. A copy of this order be sent by electronic devices fax or e-mail to the DGP, Chhattisgarh.

List again on 22.03.2017.


(CHIEF JUSTICE M.M. KUMAR)
PRESIDENT


(S.K. MOHAPATRA)
MEMBER (T)