

BENCH-I

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

C.P(IB) No.557/KB/2017

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 08th February 2018, 10.30 A.M

Name of the Company		Gautam Kumar Roy -Versus-Dooteriah & Kalej Vally Tea Estate Pvt.Ltd.	
Under Section		9 IBC	
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1.	CHHEDI RASBHAR, FCA	IRP	Lipton 8/2/18 Jinan K.R 8/2/18
2.	ARUN GUPTA, FCA		

1.	MADHU SUDAN SARKER	operational creditor	M.S. Sanyal 8/2/18 M.S. Sanyal 8/2/17
2.	MOUSAMJIT SARKER, Advocate		

3. Pramod Kumar Kedia Two Directors of Corporate Debtor
Advocate

Paul
8/2/17

ORDER

Ld. Interim Resolution Professional (IRP) along with his Counsel as well as Ld. Counsel on behalf of the operational creditor is present.

CA (IB) No. 99/KB/2018 has been filed by the applicant seeking stay of the order dated 12/12/2017 and 20/12/2017 passed by this Bench. It appears from the record that on 12/12/2017 a petition u/s. 9 of the Insolvency and Bankruptcy Code, 2016 has been admitted. After admission of the petition this Bench has no power to review that order. If the applicant in CA is aggrieved he can file appropriate appeal before the

Hon'ble NCLAT. CA (IB) No. 99/2018 is not maintainable, hence rejected.

It also appears from the minutes of the meeting of Committee of Creditors(CoC) dated 05/02/2018 that CoC has not approved the appointment of Interim Resolution Professional (IRP) as Resolution Professional (RP) with 100% vote share.

In view of the resolution of the CoC we hereby direct IRP shall continue till the date of fresh application is filed for appointment of RP.

Ld. IRP stated that the corporate debtor has not provided the documents, which he sought from the corporate debtor. Corporate debtor is directed to provide all the documents to the IRP.

It appears from the order sheet dated 17/01/2018 that the Managing Director and Chief Financial Officer of the corporate debtor were directed to be present in Court in person but they have failed to appear today. Let show cause notice be issued against them for calling for explanation as to why action cannot be taken for disobeying the direction.

List it on 16/03/2018.



(Jinan K.R.)
Member (J)



(V.P.Singh)
Member (J)