

NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH, MUMBAI



C.P No. 65/(MAH)/2017
MA No. 161/2017

CORAM: Present: SHRI B.S.V. PRAKASH KUMAR
MEMBER (J)

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF MUMBAI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 18.05.2017

NAME OF THE PARTIES: Sanjay Kumar Ruia
V/s.
Magna Opus Hospitality Pvt. Ltd.

SECTION OF THE COMPANIES ACT: I & BP Code 2016.

S. No.	NAME	DESIGNATION	SIGNATURE
1.	Sanjay Kumar Ruia	Petitioner	
2.	Susil Kumar Gupta	IRP	

Order

MA 161/2017 in CP 65/I &B/NCLT/MB/MAH/2017

On perusal of this Miscellaneous Application filed u/s 19 of IB Code by the Interim Resolution Professional, it appears that the directors of the Debtor Company have not been co-operating and allowing the Interim Resolution Professional to proceed complying with the order of Moratorium dated 12.4.2017

Contd....2/-

For moratorium order has already been passed under Section 9 of this Code, the directors of the company ought to co-operate with the Interim Professional. If at all, the debtor company directors have any grievance, they should have filed an appeal or else if any of the actions of the Interim Resolution Professional are out of the ambit of the duties endowed upon the professional, then also they are at liberty to place the same before this Bench. It need not be said separately that once an order of Moratorium with consequential directions has been passed, anybody, including the Corporate Debtor, is prohibited from initiating suit or Arbitration Proceedings, therefore, filing any Arbitration Proceeding subsequent to passing an order u/s 13,14,15 &16 of the Code will be in contravention to the provisions of this enactment.

In view of this, the directors of the Debtor Company are directed to cooperate with the Resolution Professional in discharging his duties and provide all the information he has sought. The professional is directed to communicate this order forthwith to the directors of the company.

In the event of the failure on the part of the directors of the Debtor company co-operating with the Interim Resolution Professional, the professional is hereby directed to report the same on the next date of hearing.

List this matter for reporting on 25th May, 2017.

Sd/-

B.S.V. PRAKASH KUMAR
Member (Judicial)