

(2019) 08 NCLT CK 0056

In the National Company Law Appellate Tribunal

Case No : IB No. 73/PB/ND Of 2017, Company Application Nos. 426, 1118, 274, 112, 2005, 423, 424/PB Of 2019

Anant Overseas (P) Limited

APPELLANT

Vs

Global Houseware Ltd.

RESPONDENT

Date of Decision : 06-08-2019

Acts Referred:

Insolvency And Bankruptcy Code, 2016 — Section 14, 60(5), 74

Citation : (2019) 08 NCLT CK 0056

Hon'ble Judges : R. Varadharajan, J

Bench : Single Bench

Advocate : Gurmeet Bindra, Nazia Parveen, Neha Garg, Nalin Kaushik, Rhea Luthra, Mahima Benipuri

Judgement

CA No.426/PB/2019

This is an Application moved by HDFC Bank, the applicant herein aggrieved by the decision of the Liquidator for having not classified the applicant as a Secured Creditor. Let reply to this application be filed by the Liquidator, for which purpose, a copy of this application shall be served upon the Ld. Counsel for the Liquidator, within 2 weeks from today. Ld. Counsel for the Liquidator brings to the notice of this Tribunal that an Application in CA No.515/PB/2019 has also been filed by the Liquidator seeking for clarification on the same issue.

Let this application be made available to Ld. Counsel for the Applicant. To be heard with CA No.426/PB/2019.

Post both these applications on 06.9.2019 at 3 PM.

CA No.1118/PB/2019 :This Application has been moved by the CAPFLOAT Financial Services, being the Applicant seeking for condonation of delay in filing the claim before the Liquidator. Let the Liquidator file reply to this application.

Post this application for enquiry on 06.9.2019 at 3 PM.

CA No.274/PB/2019 :This Application has been moved under Section 60(5) of the IBC, 2016 by the Liquidator seeking for the directions in relation to the cost incurred during CIR process period and the outstanding amount incurred by the applicant during liquidation process, for directions to the COC to bear this outstanding amount and pass such other and further orders as this Tribunal may deem fit. From the array of parties, 20 Members of the COC have been impleaded as the respondents. Let notice be issued to all the respondents within a week from today and upon receipt of notice, the respondents to respond to this Application within 2 weeks thereafter.

Post this application on 06.9.2019 at 3 PM.

CA No.112/PB/2019 : This Application has been moved by the Resolution Professional during the pendency of CIR process and seeking for directions to the respondents, for wrongfully holding the property belonging to the Corporate Debtor, being a Motor vehicle bearing No.CRETA DL2CAV-7241. Notice of this Application be issued to the respondents impleaded in the application by the applicant within a week from today. Upon receipt of the application, the respondents to show cause as to why this Tribunal should not proceed under the relevant provision as contemplated under Section 74 of IBC, 2016 for not abiding during the Moratorium as contemplated under Section 14 of IBC, 2016 and when the CIR process is pending. Let notice of this application be issued within a week from today.

Post this application on 06.9.2019 at 3 PM.

CA No.2005/PB/2019 : Ld. Counsel for the Liquidator represents that upon instructions, she wants to withdraw this Application. In view of the said representation, this application stands dismissed as withdrawn.

CA-423/PB/2019 :This Application has been filed by Ld. Counsel for the Liquidator who represents that report of Stakeholders as required to be filed by the Liquidator has been filed along with application. Taking on record of list of Creditors as annexed along with the application is subject to the disposal of CA-426/PB/2019 as filed by the HDFC Bank Ltd.

CA-424/PB/2019 :Learned Counsel for the Liquidator represents that a preliminary report has been filed by the Liquidator, the said report is taken on record subject to all just exceptions. It is already brought to the notice of this Tribunal. In addition to the preliminary report, reports have been filed on 14.1.2019 and the third progress report had been filed on 08.7.2019 and 2nd progress report had been filed on 16.4.2019. The above said reports are also taken on record subject to all just exceptions.